



# **The Court of Magistrates (Malta)**

**As a Court of Court of Criminal Judicature**

**Magistrat Dr. Nadine Lia B.A., LL.M(Kent)., LL.D; Barrister at Law  
(England & Wales)**

**The Police**

**(Inspector Claire Borg)**

**vs**

**Evelina Viktorovna Batey**

Today the 23rd of July 2020

The Court after seeing the charges in respect of **Evelina Viktorovna Batey**, 49 years, born in Russia, on the 28<sup>th</sup> December 1969, daughter of Viktor Zhukov and Elena nee' Siloamskaya, residing at 56, Valleyforge, Il-Htajriet street Mosta, holder of a Maltese ID Card number 236118(L).

Accused that;-

1. By means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, by means of

any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event made gain of not more than the sum of five hundred euro (€500) to the detriment of the Government of Malta.

2. And also made any other fraudulent gain of not more than five hundred euro (€500) to the detriment of the Government of Malta.
3. And in order to gain any advantage or benefit for herself or others, in any document intended for any public authority, knowingly made a false declaration or statement, or gave false information.
4. And also committed any other kind of forgery, or knowingly made use of any other forged document, not provided for in the preceding article of this Title V of the Criminal Code.

**The Court is humbly requested to apply *mutatis mutandis* the dispositions of Article 5 of the Prevention of Money Laundering Act, Chapter 373, Laws of Malta, and as provided in Article 23A(2) of Chapter 9, Laws of Malta.**

The Court is also hereby kindly requested that in pronouncing judgement or in any subsequent order, sentence the person to the payment to the Registrar the costs incurred in connection with the employment in the proceedings of any expert or referee, with such period and in such amount as shall be determined in the judgement or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having seen that the accused registered a plea of guilt in the first sitting, that is, on the 22<sup>nd</sup> July 2020;

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of her guilty plea and granted her a reasonable time within which to retract this guilty plea should she so wish. After the Court granted this time to the accused, and after consulting with her legal counsel, the accused reiterated that she is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the documents filed together with the charge sheet and the particular circumstances of this case;

The Court after having heard submissions from the parties and before proceeding to punishment took note of the following factors in assessing the punishment of the sentence to be given:

- The prosecution has no objection should a term of probation in the minimum be given as punishment;
- The prosecution requested that the accused should be obliged to repay the funds as part of the final judgment. Nevertheless, the prosecution did not provide to the Court the value of the funds that should be repaid and no evidence was presented in the act of proceedings in this regard to establish the amount to be repaid by the accused.
- The accused has a clean criminal record and has had no brushes with the law to date;
- The accused admitted at the earliest opportunity and also did the same during her interrogation;
- And finally, it transpired that the accused had no intention to make any personal gain from the incident.

## **Decide**

The Court, upon the unconditional guilty plea registered by the accused charged and after having seen articles 308, 310(1)(c), 309, 188(1) and 189 of Chapter 9 of the Laws of Malta, finds Evelina Viktorovna Batey guilty as charged and after having seen Articles 7(1) of Chapter 446 of the Laws of Malta places Evelina Viktorovna Batey under a Probation Order for a

period of four (4) months under the surveillance of a probation officer as indicated by the Director of Probation and Parole.

In accordance to article 7(7) of Chapter 446 of the Laws of Malta, the Court explained to the guilty person in plain and simple language the effects of the probation order including the consequences if she does not conform to the order or it results that she commits another crime during the operational period of probation order with an offence punishable with imprisonment.

The offender confirms that she is in agreement with the order. In terms of article 7(8) of the Chapter 446 of the Laws of Malta, the Court orders that a copy of this judgment and the probation order are transmitted to the Director for Probation and Parole so that a probation officer is assigned to be responsible for monitoring the guilty person.

#### COMMUNICATION: DIRECTOR FOR PROBATION AND PAROLE

Since no experts were appointed in this case, the Court abstains from taking further cognisance of the request by the prosecution to order the accused to pay for expenses incurred in the appointment of experts according to article 533 of Chapter 9 of the Laws of Malta.

Since the prosecution, in its final submissions, declared that it was not insisting on its request to apply *mutatis mutandis* the provision of article 5 of the Prevention of Money Laundering Act, Chapter 373, Laws of Malta and as provided in article 23A(2) of the Chapter 9 of the Laws of Malta, the Court abstains from taking further cognisance of the request by the prosecution.

Finally, the Court, after having seen Article 392A of the Criminal Code orders that this judgment together with the records of the proceedings be transmitted to the Attorney General within six working days in terms of law.

**Delivered today the 23<sup>rd</sup> of July 2020, at the Courts of Justice in Valletta, Malta.**

**Dr. Nadine Lia  
Magistrate**

**Lorianne Spiteri  
Deputy Registrar**