



Criminal Court

Hon. Madame Justice Dr. Consuelo Scerri Herrera LL.D.

Admission Nr. 6/2020

The Republic of Malta

Vs

Rijpma Jelle

Today the 2<sup>nd</sup> December, 2020,

The Court,

Having seen the charges brought against the accused Rijpma Jelle, holder of Maltese Identity Card Nr. 162908A and Dutch Identity Card Nr. IRB2HPFO in front of the Court of Magistrates (Malta), as a Court of Criminal Inquiry wherein he is charged with having:

1. Between the night of the 2<sup>nd</sup> August and the early morning of the 3<sup>rd</sup> August, 2018 in the locality of Santa Venera, maliciously, with the intent to kill or put the life of Shannon Mak in manifest jeopardy, caused her death.
2. For having carried outside a premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner of Police;

3. For having on the same date, time, place and circumstances, whilst committing a crime on the person of Shannon Mak, had on his person any arm proper;

The Court was requested that when pronouncing judgement or in any subsequent order, sentence the person convicted, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the process verbal of the inquiry, within such period as in such amount as shall be determined in the judgement or order.

Having seen the minutes of the proceedings held in front of the Court of Magistrates as a Court of Criminal Inquiry of the 14th October, 2020, whereby the accused as assisted by his counsel, declared that he is pleading guilty to the charges brought against him. The accused confirmed his guilty plea even being given time to consult again with his lawyer and after the court duly warned him of the consequences of such plea, and explained to him that the nature of the charges and that the punishment might include lifelong imprisonment.

Having seen the note of the Attorney General in terms of article 392B of the Criminal Code of the 16th November, 2020, whereby it was declared that:

1. That he received the Acts of Inquiry in the names **Police (Inspectors Kurt Zahra and Robert Vella) vs. Rijpma Jelle** on the fourteenth (14) of October of the year two thousand and twenty (2020), and this after the Court of Magistrates (Malta) as a Court of Criminal Inquiry ordered that the acts of the Inquiry be sent to the Attorney General in terms of article 392B(1)(a) of Chapter 9 of the Laws of Malta, given that the **accused Rijpma Jelle** in the sitting dated the fourteenth (14) of October of the year two thousand and twenty (2020) **declared that he is guilty of the charges proffered against him**, which charges are subject to a punishment which is more than twelve (12) years imprisonment;

2. Whereas the applicant Attorney General declares as well, that in terms of article 392B(2) of Chapter 9 of the Laws of Malta, the charges as proffered against the accused in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry and for which the accused has admitted guilty as aforesaid, shall be considered as a bill of indictment for all intents and purposes of the law.

The Attorney General hence sent this Court, together with the said note all the acts of the inquiry in the names The Police (Inspectors Kurt Zahra and Robert Vella) vs. Rijpma Jelle so that this Court can proceed against the accused Rijpma Jelle in terms of law.

Having seen the decree of this Court of the 18<sup>th</sup> November, 2020 whereby this case was appointed for hearing for today.

Considers,

That in view of the declaration of guilt filed by the accused before the Court of Magistrates on the 14<sup>th</sup> of October, 2020, which admission of guilt was reaffirmed by said accused even after being given time to consult again with his lawyer and after the court duly warned him of the consequences of such plea, and explained to him that the nature of the charges and that the punishment might include lifelong imprisonment.

Declares the accused Rijpma Jelle guilty of having:

1. Between the night of the 2<sup>nd</sup> August and the early morning of the 3<sup>rd</sup> August, 2018 in the locality of Santa Venera, maliciously, with the intent to kill or put the life of Shannon Mak in manifest jeopardy, caused her death.
2. For having carried outside a premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner of Police;

3. For having on the same date, time, place and circumstances, whilst committing a crime on the person of Shannon Mak, had on his person any arm proper;

Having seen the acts of the proceedings both in front of the Court of Magistrates and those in front of this Court.

Having seen the updated conduct sheet of the accused, which is pristine without the registration of any offence or contravention.

Having seen the joint application of the Attorney General and the accused Rijpma Jelle presented in the registry of this honourable court on the 24th November, 2020 wherein it was respectfully submitted:

Whereas on the fourteenth (14) October of the year two thousand and twenty (2020), the applicant accused Rijpma Jelle filed a guilty plea before the Honourable Court of Magistrates (Malta) As a Court of Criminal Inquiry for all the charges proffered against him.

Whereas by means of a note dated sixteenth (16) November of the year two thousand and twenty (2020), the applicant Attorney General declared in terms of the proviso for Article 392B(2) of Chapter 9 of the Laws of Malta, that the charges proffered against the applicant accused Rijpma Jelle before the Court of Magistrates (Malta) as a Court of Criminal Inquiry, and for which charges the same accused filed a guilty plea as aforementioned in terms of law, should be considered as a Bill of Indictment for all intents and purposes of the Law;

Whereas whilst making reference to the aforementioned guilty plea and the provision of article 392B(5)(a) of Chapter 9 of the Laws of Malta, the applicants jointly declare that they agree consequently respectfully request this Honourable Court to impose on the applicant accused Rijpma Jelle the punishment of effective imprisonment for a period of thirty (30) years together with a fine (multa) of one hundred and sixteen Euro and forty-seven cents (€116.47), and this in addition to

any other sanction and/or other consequence resulting from the declaration of guilt and conviction in terms of Chapter 9 and 480 of the Laws of Malta.

Considers,

That the defence and the prosecution have agreed with regards to the punishment that is to be inflicted on the accused Rijpma Jelle as indicated in the joint application presented in the acts of these proceedings on the 24th November, 2020.

Considers further,

Having seen the case-law of this Court, specifically in connection with charges of wilful homicide.

Having seen the case-law regarding punishment inflicted when the accused registers an early admission of guilt, particularly: **“Ir-Repubblika ta’Malta vs. Nicholas Azzopardi<sup>1</sup>”**; **“Ir-Repubblika ta’ Malta vs. Mario Camilleri<sup>2</sup>”** **“Il-Pulizija vs. Emmanuel Testa<sup>3</sup>”** (kif ukoll il BLACKSTONE’S CRIMINAL PRACTICE (Blackstone Press Limited 2001 edit);

The Court, in this particular case, adheres to the request of the Attorney General and the accused Rijpma Jelle in their joint application of the 24th November, 2020 and subsequently, after having seen articles 211, 392A and 533 of the Criminal Code, together with articles 6, 55 of Chapter 480 of the Laws of Malta **condemns Rijpma Jelle to (30) thirty years imprisonment together with a fine multa of one hundred and sixteen Euro and forty-seven cents (Eur 116.47) which in default of payment will be converted to a further term of imprisonment according to law in terms of article 11 of the Criminal Code.**

**Moreover, in terms of article 533 of the Criminal Code condemns Rijpma Jelle to pay the sum of thirty three thousand, six hundred and sixty five Euros and forty-**

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<sup>1</sup> Decided by the Criminal Court of Appeal on the 24<sup>th</sup> February 1997

<sup>2</sup> Decided by the Criminal Court of Appeal on the 5<sup>th</sup> July 2002

<sup>3</sup> Decided by the Criminal Court of Appeal on the 17<sup>th</sup> July 2002

**four cents (€33,665.44), sum representing the expenses incurred for the Court nominated experts.**

If the expenses are not paid within a year from the date of this judgment, they will be converted to a term of imprisonment according to law.

Finally, orders the forfeiture of all the objects exhibited in Court, used in connection with the offence.

Consuelo Scerri Herrera

Judge