

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. RACHEL MONTEBELLO**

Case Number 579/2021

**THE POLICE
(Inspector Godwin Scerri)**

-Vs-

LALIC DAVORIN

-Omissis-

Today, 16th September 2021

The Court,

Having seen that **DAVORIN LALIC**, 42 years, son of Zarko and Stefania nee Sarek, born in Croatia on the 4th of December 1979, residing at 193 Sunbeam, St. Edward Street, Qormi, holder of Maltese residents permit document number 165237A and - *Omissis*-, were arraigned before her charged with having on the 5th of September 2021 at around 22:30 hrs at Halel street in St. Paul's Bay.

1. Without the intent to kill or to put the life of Milan Panic in manifest jeopardy caused the mentioned slight bodily harm.

2. And accuse them of having on the same date, time, place and circumstances disturbed the repose of the inhabitants by rowdiness or bawling, or in any other manner.
3. And accuse them of having on the same date, time, place and circumstances of being drunk and incapable of taking care of himself whilst in a public place or place exposed to the public.

Accused -omissis - solely of having.

4. On the 5th September 2021 at around 23:30hrs at Tamar Street in St. Paul's Bay, committed voluntary damages to the detriment of third parties, with damages exceeding the amount of 2500 euro.
5. And accuse him for having on the same date, place, time and circumstances, committed the crime of theft aggravated by means, value, place and time to the detriment of Milan Panic.
6. And accuse him for having on the same date, place, time and circumstances, caused any unnecessary pain, suffering or distress to a domestic animal.
7. And accuse him for having on the same date, place, time and circumstances, when not in a case of an emergency which visibly indicates extreme pain conducive to death, killed a domestic animal.

The Court is also being humbly requested to issue a protection order to the benefit of Milan Panic.

The Court is also being kindly requested that if the accused is found guilty, condemns the same 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.

Having seen that the proceedings were ordered to be conducted in the English language after the accused declared that he does not speak or understand the Maltese language but understands the English language;

Having heard the Prosecuting Officer read out the charges and confirm them on oath;

Having heard the accused plead not guilty to the charges during his examination in terms of Article 392 of the Criminal Code;

Having heard the accused plead guilty as charged during the hearing of the 16th September 2021;

Having heard the accused confirm his guilty plea even after having been afforded time to reconsider his admission of guilt and to consult again with his lawyer and after having explained to the accused the consequences of his guilty plea, the seriousness of the crimes with which he is charged with having committed and the punishment attached to each of the charges brought against him;

Having heard the testimony of the Prosecuting Officer during the hearing of the 16th September 2021 and having seen the documents so exhibited;

Having ordered, upon the Prosecution's request, that the proceedings against the accused Davorin Lalic are heard and decided separately from the criminal proceedings brought against the other accused person, Omissis, in view of the guilty plea registered by the accused Davorin Lalic;

Having heard the oral submissions of the Prosecution and the defence regarding punishment;

Having considered;

That in the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally and also in the presence of his legal counsel, the Court is satisfied that the accused Davorin Lalic is to be found guilty of the charges brought forward against him.

The Court took note of the early plea of guilt registered by the accused, his completely clean conviction sheet and the fact that the accused – albeit not initially - co-operated fully with the Police during their investigations, as was submitted by the Prosecution and the defence during the oral submissions made for the purposes of the punishment and as would result also from the statement released by the accused during his interrogation by the Police¹.

The Court considered also the fact that, as would result from his statement, the accused was not involved in the argument that led to the eventual assault on the victim but participated in the assault only subsequently in order to assist his brother. Although this by no means amounts to a mitigating factor, the Court took into account the fact that the accused expressed remorse for the incident and apologised for what happened to the victim².

In view of the above, and having regard to the fact that the first charge brought against the accused, to which he pleaded guilty, reproduces nothing more than the wording of the provisions of Article 221(1) of the Criminal Code in that it imputes to the accused the crime of having caused slight bodily harm without any indication that the injuries

¹ Statement Dok. GS5.

² Statement of Davorin Panic – Dok. GS5.

inflicted upon the victim, Milan Panic, were so inflicted by the means referred to in Article 217 of the Criminal Code³, the Court is satisfied that the first charge brought against the accused is the commission of the crime under Article 221(1) of the Criminal Code which carries a punishment of imprisonment not exceeding two years or a fine (multa) or both such fine and imprisonment.

For these reasons, the Court, after having seen the relevant provisions of Law, that is Articles 17, 214, 215, 221(1), 338(m) and 338(dd) of Chapter 9 of the Laws of Malta, finds DAVORIN LALIC guilty upon his own admission of all the charges brought against him and condemns him to a punishment of imprisonment for one (1) year which sentence however, shall not take effect unless, during the period of two (2) years, the offender commits another offence punishable with imprisonment.

The Court explained to the offender in ordinary language his liability under Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

The Court, in addition to the punishment, and in view of the fact that it considers it expedient in order to provide for the safety of Milan Panic, issues a Restraining Order in terms of Article 382A of the Criminal Code, against the offender DAVORIN LALIC, for a period of two years.

In view of the fact that the Prosecution did not obtain and produce in the acts of the proceedings, the consent of Attorney General in terms of Article 370(3)(4) of the Criminal Code, the Court also orders that the records of the proceedings together with this judgement are transmitted to the Attorney General within six (6) working days, in accordance with the terms of Article 392A(2) of Chapter 9 of the Laws of Malta.

³ That is, by means of arms proper, or with a cutting or pointed instrument, or by means of any explosive, or any burning or corrosive fluid or substance.

A copy of this judgement is to be communicated to the Registrar of the Court for the purposes of Article 28A(8) of the Criminal Code.

**DR. RACHEL MONTEBELLO
MAGISTRATE.**