



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

Magistrate Dr. Monica Vella LL.D.; M.Jur.

Compilation No.: 15/2020

The Police

[Inspector Godwin Scerri]

vs

Desislava Vasileva Maksimova

Today the 27th September 2022;

The Court,

Having seen the charges presented by the Executive Police on the 14th January 2020 against the accused **Desislava Vasileva Maksimova**, holder of Bulgarian identification card number 640025050, charged with having:

Between the night of the 11th and early hours of the 12th January 2020, whilst at the residence number 74 Toni Bajada Street in St. Paul's Bay, without the intent to kill or put the life of Georgi Hristovi Hristovi in manifest jeopardy, with the use of a cutting or pointed instrument

caused the mentioned grievously bodily harm in breach of Articles 214, 216, 217, 218 of Chapter 9 of the Laws of Malta.

And accused her of having on the 11th and the 12th of January 2020 in St. Paul's Bay, knowingly suppressed or in any other matter destroyed or altered the traces of, or any other circumstantial evidence relating to an offence in breach of Articles 111(2) of Chapter 9 of the Laws of Malta.

The Court was kindly requested to consider the accused as being a recidivist in terms of Article 49 and 50 of Chapter 9 of the Laws of Malta.

The Court was also requested to provide the needed security in favour of Georgi Hristov Hristov even during these proceedings in terms of Article 412C of Chapter 9 of the Laws of Malta¹.

Having seen the not guilty plea entered by the accused on the same day when she was charged.²

Having seen the conviction sheet of the accused presented by the prosecution³.

Having seen the note of the Attorney General of the 16th December 2020 and the declaration of no objection of the accused so that the case is dealt summarily by this Court⁴ and thus the Court resolves itself into a Court of Criminal Judicature.

¹ A folio 2 of the case file.

² A folio 6 of the case file.

³ A folio 8 of the case file.

⁴ A folio 248 and 253 of the case file respectively.

Having seen and considered all the documents and evidence produced.

Having seen and considered all the acts of the case.

Having heard and considered the submissions of the parties.

Having seen that the case was put off for judgement for today.

Considered:

The Facts of the Case in Brief

The case relates to an alleged act of aggression within the household whereby by the victim, namely Georgi Hristov Hristov was allegedly stabbed by his partner, the accused Desislava Vasileva Maksimova, after he allegedly hit her on the face while they had an argument over his drinking problem and the money he spent on alcohol. The injuries caused by the stab were classified as grievous and at some point he was in danger of loss of life. Moreover, the accused tried to hide these facts by giving the Police a version of events whereby she stated that the victim was attacked by third parties on his way home.

The police went to investigate the case after they were called in by the emergency services who were called on site by the alleged aggressor, today the accused Desislava Vasileva Maksimova.

Evidence

On the 23rd January 2020 **WPS 223 Charlene Calleja** tendered her testimony whereby she confirmed that she was one of the first police officers who arrived on site. She made the preliminary enquiries with

the accused but immediately could note that her version of the facts were not corroborated by the evidence on the scene of the then incident which later turned to be the scene of the crime.⁵ Apparently what struck most the investigating sergeant was that she could not see any blood stains outside the residence where the victim was lying and rescued by the paramedics and also along the streets leading to the place where the rescuers were called. The accused during her first declaration of events to the police had stated that she was told by the victim that he was attacked and stabbed by two Arab nationals and then wounded proceeded to the residence. This created suspicion in the mind of the investigating officer who alerted her superior officer Inspector Godwin Scerri. The witness presented the police report which was marked as 'Dok CC'.⁶

On the 23rd January 2020 **Inspector Godwin Scerri** gave evidence and confirmed the events as related by the investigating sergeant. The Inspector held that he was informed by the hospital authorities that the injury sustained by the victim was grievous and at some point he was also in danger of loss of life and thus he informed the duty magistrate whereby an inquiry was held and a number of court experts appointed to help in the investigation. Inspector Scerri continued that he went to hospital the day after the incident and he spoke to the victim who gave him three distinct versions:

1. That he was attacked by two unknown men;
2. That he and his girlfriend Maksimova had an argument with two foreigners;
3. That he had hit the accused in her face and the latter retaliated and stabbed him once in his left area of the top shoulder.⁷

⁵ A folio 15-19 of the case file.

⁶ A folio 20-23 of the case file.

⁷ A folio 27-28 of the case file.

At this stage the accused was arrested by the police at Mater Dei Hospital and she was taken to Sliema Police station so that the wounds would be photographed and examined by court appointed expert Dr. Mario Scerri. Inspector Scerri exhibited a true copy of the Bulgarian Identification document of the accused marked Doc GS1⁸, the conviction sheet of the accused marked Doc GS2⁹, the statement given by the accused statement marked as 'Doc GS4'¹⁰, a medical certificate relating to the victim marked Document GS5¹¹.

The Court Registrar **Maria Dolores Fenech** testified also exhibited two judgements against the accused marked as Doc DF1 and DF 2.¹²

During the interrogation the accused stated that when the victim, her boyfriend, returned from outside, he was in a bad state due to alcohol and they started arguing. She claimed that besides an acute alcohol problem the victim also owed a lot of money to third parties and thus created some sort of financial hardships to her and her family. The accused held that she reacted to a slap that she was given by the victim and took a kitchen knife and stabbed him. Subsequently she cleaned the house from the blood and also threw the knife used for the aggression at sea¹³. When asked by the investigating officer during her interrogation why she did that, the accused replied that it was because of:

'Anger, frustration, disappointment and pain'.¹⁴

⁸ A folio 7 of the proceedings.

⁹ A folio 8 of the proceedings.

¹⁰ A folio 34-35 of the proceedings.

¹¹ A folio 36 of the proceedings

¹² A folio 67- DF1 sentence dated 1.2.2016 by Mag. Dr. C. Galea and Doc DF 2 dated 8.2.2012 by Mag. J. Padovani Grima.

¹³ A folio 29 of the proceedings.

¹⁴ A folio 35 of the proceedings.

To a further question by the investigating officer:

'Am I right in saying that you wanted him dead for all that he was doing to you and your family'.

She replied:

'No'

.....

'Am I right in saying that this was not self-defence, but pure anger'

She replied:

'Both, when I saw him coming to me had his fists and I thought he would hit me'.

Asked by the investigator about the knife that was thrown at sea before she became a suspect the accused held:

'confused..... my actions were concentrated to get rid of the evidence'.¹⁵

The victim of the attack **Georgi Hristov Hristov** testified on the 23rd January 2020 and his testimony is full of statements that he does not recall the incident. When replying to a direct question by the prosecution:

'Do you know who stabbed you with the knife?'

He answered:

'No I don't remember I said already. I don't want to cover no one...'

The victim admits that he has an alcohol problem.

¹⁵ A folio 35 of the case file.

The same victim was again examined on the 1st October 2020 but he was again evasive in his answers¹⁶.

Court appointed expert **Mr. Keith Cutajar** exhibited the stills from the CCTV footage taken from vicinities of the residence of the accused and the same footage.¹⁷

Court appointed expert **Dr. Mario Scerri** testified on the 1st July 2020.¹⁸ He confirmed that he examined both the accused and the victim.

According to his observations the accused had:

'left periorbital haematoma- blunt trauma' on the eye and abrasions and a bruise on the inner aspect of the upper lip compatible to a blow.'
The injuries were slight in nature.

According to his observations the victim had:

'stab wound being deeper than its width penetrated to the thoracic activity and so it is classified as a lesion of grievous nature'
'No complications whatsoever after the incident'

During cross examination Dr. Scerri confirmed at folio 195 that the injury sustained by the victim:

'his injury left no sequerell' and that 'this should not leave any permanent disability'.

Adding further at a folio 196:

¹⁶ A folio 206-220 of the case file.

¹⁷ A folio 94, 96-118 of the case file.

¹⁸ A folio 121 and report a folio 123-137 of the case file.

‘Yes it was deep, it lacerated the lungs unfortunately but he received good treatment at the right time and I mean he is alright now’.

He testified again on the 27th October 2021¹⁹, this time with regard to the injuries sustained by the accused, whereby he stated:

“Dr Scerri from the analysis can you determine how many hits MS Desislava....

Two for sure.

And the classification of her injury?

Slight...”

PS 1111 Brandon Borg gave his testimony on the 17th September 2020 whereby he presented various photographs of the scene of the crime and the clothing of the victim²⁰. During the same sitting **Dr. Marisa Cassar** presented the DNA profiling found on the clothes of the victim.²¹ While **PC 1319 Matthew Xuereb** also gave an account of his role in the investigation.

Dr. Marisa Cassar made a further report which was marked as Doc MS2.²² **Dr. Carlo Refalo** gave his testimony on the 1st October 2020 and he confirmed that he had under his care the victim when he was admitted at the Mater Dei emergency department. Dr. Refalo confirmed the medical certificate he issued - Doc GS5.

¹⁹ A folio 256 of the proceedings

²⁰ A folio 158-175 of the file case.

²¹ A folio 176-184 of the case file.

²² A folio 203-205 of the case file.

The **accused** testified on the 27th October 2021²³ whereby she gave her version of events. The Court is hereby reproducing parts of her testimony:

“Desislava Vasileva Maksimova: He hit me, I felt like you know I am going to explode from the pain. He was coming to hit me again and I said what am I suppose to do now. Every living creature in this world when he is in danger is programmed to defend himself. So the first thing that came up and I am a women I don’t know how to fight with a men so the first thing that I did was that I had the knife on the strainer and I hit him with the knife here. And that is all that happened. I just wanted to protect myself because I don’t know what he was going to do to me and I have my little daughter that I have to take care of. So I couldn’t let him injure me.

Dr Martin Fenech: After you hit him with the knife what happened? He continued to hit you?

Desislava Vasileva Maksimova: No he fell on the floor.

Dr Martin Fenech: And then what happened?

Desislava Vasileva Maksimova:I went next to him and I told him you know I shamed him, I lift him up and put him on a chair. And I told him that I am going to call an ambulance because he is not well. He told me no no I don’t want an ambulance. I told him I am a nurse, I see that you are not good, I cannot let you, you know...

²³ A folio 260 of the proceedings

Dr Martin Fenech: And you called the ambulance?

Desislava Vasileva Maksimova: Yes I called the ambulance.

Dr Martin Fenech: And they came?

Desislava Vasileva Maksimova: Yes.

Dr Martin Fenech: And then what happened?

Desislava Vasileva Maksimova: Well they called they told me what happened, and I told them my partner was stabbed because this is what I said. They said if there is stabbing the police will be involved. I told them I don't care about the police I want an ambulance because he is not well.

...

Dr Martin Fenech: What was he doing to you?

Desislava Vasileva Maksimova: Hitting me.

Dr Martin Fenech: Were you close to each other? Tell us explain a bit.

Desislava Vasileva Maksimova: The sink was behind me, and he was this far from me.

Dr Martin Fenech: And how did he hit you? With what did he hit you?

Desislava Vasileva Maksimova: With his hand.

Dr Martin Fenech: Imma was it a hand or was is something else?

Desislava Vasileva Maksimova: He didn't use anything like, no just with his hands.

Dr Martin Fenech: And what was your feeling at that time? What where you feeling?

Desislava Vasileva Maksimova: I was scared, I didn't know what was going to happen with me. I don't know how to stop him. I was trying to talk him out but he wasn't listening.

Dr Martin Fenech: And how many times did you hit him with the knife?

Desislava Vasileva Maksimova: Only once.

Dr Martin Fenech: And where did you hit him exactly?

Desislava Vasileva Maksimova: He had the jacket, but when I hit him, I hit him here.

Court: The witness is indicating under her shoulder."

The accused, when cross-examined,²⁴ testified thus::

“Prosecution: Do you remember what you told the person receiving your call? Do you remember what your report was?”

Desislava Vasileva Maksimova: First I told them that my partner was stabbed and I need an ambulance.

Prosecution: And when the emergency came to your house do you remember what you told them, what your version was about what had happened. Do you remember this?

Desislava Vasileva Maksimova: Yes.

Prosecution: What did you tell them?

Desislava Vasileva Maksimova: I told them that he came home and he fell on the floor and I saw that he was stabbed.

Prosecution: Excuse me the last sentence.

Desislava Vasileva Maksimova: I said that I told them that he came home and he fell on the floor and I saw that he was stabbed.

Prosecution: So you told the emergency personal that he was already stabbed.

Desislava Vasileva Maksimova: Yes.

²⁴ A folio 268 of the proceedings

...

... have you reported to the police any incidents with regards to Mr Georgi Hristov? Have you reported anything?

Desislava Vasileva Maksimova: No.

Prosecution: And why is this?

Desislava Vasileva Maksimova: Why would I. If we have things between us we are trying to solve it ourselves first. And I am the type of person that if it is not necessary to go through something you know the extreme I wouldn't bother the police with our things.

...

Prosecution: And what did you do when you arrived at your house? Did you stay at your house?

Desislava Vasileva Maksimova: Sorry.

Prosecution: Did you stay at your house when you arrived from the hospital?

Desislava Vasileva Maksimova: Well ...

Prosecution: What did you do?

Desislava Vasileva Maksimova: I went home, there was blood in the kitchen, I cleaned it and then...

Prosecution: What did you do after?

Desislava Vasileva Maksimova: Well I know where you are leading me with this question, the knife.

Prosecution: The knife, what happened to the knife?

Desislava Vasileva Maksimova: The night when the accident happened, I realized that ... you know because when there is an argument, when there is a fight there is a lot of tension and pressure people...

Prosecution: Can you please tell me what happened with the knife.

Desislava Vasileva Maksimova: Yes can you give me a chance. When we spoke with him I told him what are we going to do now. He said I am not going to say what happened. He said when the ambulance came he was having an argument with the Libyans near Piscopo and he was stabbed there.

Prosecution: Yes but this is his version, what did you do with the knife?

Desislava Vasileva Maksimova: When I went back home I was thinking what am I going to do now. I was really in shock and came back home and I saw this knife, everything came back to me...

Prosecution: What did you do with this knife?

Desislava Vasileva Maksimova: Went out from my house and I don't know with what....

Prosecution: With what did you go out?

Desislava Vasileva Maksimova: With the knife.

Prosecution: With the knife.

Desislava Vasileva Maksimova: And I threw it in the sea, I told you.

Prosecution: Yes I know, but this is re examination. I know what you told me.

Desislava Vasileva Maksimova: I am not going to hide anything this time.

Prosecution: All right but I am going to ask you again. This information I got it from the statement I took, but now I am going to ask you again. What did you do exactly with the knife please.

Dr Martin Fenech: Qaltlek, ghadha kif qaltlek tefghata go skip.

Prosecution: Fejn tefghata?

Dr Martin Fenech: Go skip jekk smajt sew Sinjura Magistrat.

Court: In the sea nahseb qalet.

Desislava Vasileva Maksimova: Yes.

Prosecution: Can you tell us where please.

Desislava Vasileva Maksimova: No I cannot tell you, I was so much tired from all the night staying at the hospital, but I don't remember exactly the location I went and Bugibba is surrounded by sea and St Paul's Bay. So I cannot tell exactly where, I said the same last time.

Prosecution: Ok. Yes but that was in my office, but now we are in another place, we are at the Court. So let's go back to when I arrived at your home.

...

Prosecution: Am I right in saying that you didn't give me the correct version of what had happened.

Desislava Vasileva Maksimova: Sorry.

Prosecution: Am I right in saying that you did not give me the correct version of what had happened and you told me that Mr Hristov was stabbed outside your home.

Desislava Vasileva Maksimova: This thing I don't remember.

Prosecution: You don't remember it.

Desislava Vasileva Maksimova: No.

Prosecution: Ok. Do you confirm maybe you don't remember, but I am going to ask you the same. Do you confirm all the information you gave me during your statement on the 13th of January 2020. You gave me a statement which is three pages long. Do you confirm its contents? Do you need to see it again? Do you confirm its contents?

Desislava Vasileva Maksimova: Can I see it again please.

Prosecution: Yes yes. I am showing you document number 33, 34, 35, 36 marked as Doc GS 3 in the process. Kindly confirm if this is the statement you have given me at the office and if you confirm its contents.

Desislava Vasileva Maksimova: Regarding the statement here I don't think that I have anything else different to what it is different from here. Apart from the fact that it's true that it was not my intention to kill him, I was just defending myself.

Prosecution: You are not accused of murder.

...

Prosecution: In your statement I asked you why did you stab Georgi? What were you feeling at that time? Your reply was anger, frustration, disappointment, and pain because he had lied to me again. You confirm that?

Desislava Vasileva Maksimova: Yes and no.

Prosecution: So yes and why no? That is not a reply. You confirm that those were you feelings at that time? I am talking about a day and a half after the incident.

Desislava Vasileva Maksimova: Yes those were my feelings yes.

Prosecution: I never heard anything about self defence. That was your reply.

Desislava Vasileva Maksimova: I said it that he hit me and I took the knife and I defended myself. I know that I said it.

Prosecution: No further questions your Honour.

Desislava Vasileva Maksimova: I said it.

Considered:

The event involves an act of domestic violence between partners whereby the victim returns home under the influence of alcohol. The female partner reacts and asks for an explanation and cross-verbal abuse takes place. The violence takes an even more violent turn when

Georgi Hristov Hristov hits at least twice the accused in the face. She feels, as declared in her own words to the police “angry, frustrated, disappointed and in pain” and takes a knife from the kitchen and stabs him.

The Court notes that instances of domestic violence are becoming too frequent and the way how the parties behave during the altercation is not to be condoned. It does not result, at least from the acts of this case, whether the police took or otherwise criminal action against Mr. Hristov as well!

The Court takes the testimony of Mr Hristov with a pinch of salt. It is obvious that the testimony of Mr. Hristov is not reliable since it is very evident that he is not only cushioning the accused who it seems that is still his partner but also being evasive not to incriminate himself.

The same has to be stated for the testimony before it of the accused Ms. Maksimova. At times she contradicts herself by first stating that she was hit three times and when on the same day she is cross examined she holds that she was only hit once.²⁵

The Court however, upon considering the evidence brought forward by the police, and specifically the statements given *a tempo vergine* to the Police by the victim Mr. Hristov and and also by the accused Ms. Maksimova are more credible, safe and reliable. The admission to the police by the accused leave no doubt in the mind of the Court that Ms. Maksimova retaliated to the punch of her aggressor by stabbing him because she was angry, disappointed and frustrated.

²⁵ A folio 262 and 269 of the case file.

From the evidence brought during the proceedings, it does not result whether this was the first instance whereby Mr. Hristov used physical violence against the accused although it is also concerned that the victim in these proceedings used verbal violence against the accused on other occasions.

The Court also finds that the reaction of the accused to resort to stabbing the victim with a knife in response to a slap²⁶ or punch²⁷ on the face, is out of proportion. The Court notes that the accused is not of small stature compared to the victim. She could have chosen to hit him back or hit him with something else, instead she grabbed a knife and hit him with it.

With regard to the submission made in the final submissions of the Defence that the accused reacted in self-defence, the plea of self-defence was not brought forward during the proceedings as an exception, but was only mentioned by the Defence in the final submissions.

Moreover, the Court notes that the accused is of a certain age, has been living in Malta for over a decade, works and is not dependent on her aggressor. Thus, it is in the Courts view that Mr. Hristov did not pose, on that fateful evening any serious threat to her body to call for the use a knife. The Court cannot accept that her action to stab him was an act of self-defence. The act was not sudden, immediate and actual²⁸. In the case **II-Pulizija (Spettur Roderick Agius) vs Mario Zaffarese**

²⁶ As declared by the accused herself

²⁷ As declared by Dr. Mario Scerri in his testimony

²⁸ **Ir-Repubblika ta' Malta vs Allan Galea, Att ta' Akkuza Numru 09/2013 Qorti ta' Appell (Sede Superjuri)** Presided by Mr. Justice Joseph Zammit McKeon, Madame Justice Abigail Lofaro and Madame Justice Grima pages 10 to 14.

(Appell Nru: 345/2018) dated 12th December 2018 the Court of Appeal held:

‘Ghalhekk id-difiza trid tkun saret sabiex jigu evitati konsegwenzi li jekk javveraw ruhhom jikkagunaw hsara irreparabbli lill-imputat, jigifieri hsara jew offiza fil-hajja, gisem u/jew partijiet tal-gisem tal-imputat jew ta’ haddiehor. L-imputat irid jipprova li dak li ghamel ghamlu, stante li l-istat psikologiku li kien jinsab fih f’dak il-mument, ikun attwali, ta’ dak il-hin u mhux xi theddida ta’ periklu li tkun saret hinijiet qabel, ghax dan jista’ jaghti lok biss ghall-provokazzjoni u mhux difiza legittima. Il-perikolu irid ikun ukoll assolut, cioe li f’ dak il-mument li kien qed isehh ma setax jigi evitat b’ mod iehor...’²⁹

Thus, this court finds no reason why it should accept that the act of the accused was an act of self-defence when it is very evident that she knew that when drunk her boyfriend could turn verbally violent and that the victim due to his state of intoxication was also in a weaker position to defend himself from a knife attack. The accused not only did nothing to avoid the confrontation but actually started it when she saw him coming in that pitiful state of intoxication. Had the accused not started a confrontation when the accused arrived home, none of this would have happened. Thus, upon the evidence produced, the Court finds the accused guilty under Articles 214, 216, 217.

Charge under Article 111(2)

The accused is being charged that she knowingly suppressed or destroyed or altered traces related to the crime. The Court wants to point out that it is the duty of the Executive Police and to a certain

²⁹ Page 27 of the sentence.

extent of the experts appointed by the court during the magisterial enquiry to see that the scene of the crime is well preserved.

The police acted promptly and went on site to commence their investigations, After the first few minutes, it was clear to the investigating sergeant that what she was being told by the accused and the victim could not possibly be the case. Thus the Inspector was informed and an inquiry was opened.

The fact alone that the accused went to clean the blood some time on the 12th January 2020, well after the police left, does not convince the Court that she acted against the legal provision under examination.

Neither does it convincingly results that the knife was thrown out at sea or in a skip and disposed of by the accused although there is an admission on her part in the statement, since one has to take into consideration that there were also other adults in the same household who could possibly both have cleaned the blood and disposed of the knife.

From the acts of the case it results that the cleaning of the floor soaked with blood and the disposal of the knife took place either on the 11th or on the 12th January 2020.

During questioning the learned investigating officer asked:

'Q. Where is the knife?'

A. Yesterday morning when I arrived back from hospital, I washed the floor and then I took the knife, walked down up to Sirens swimming pool and threw it as far as I could at sea.'

Since the statement was taken on the 13th January 2020, yesterday morning therefore is the morning of the 12th January 2020. The Court notes that while the first charge states “Between the night of the 11th and early hours of the 12th January 2020”, this second charge states “On the 11th and the 12th of January 2020” and thus, from the acts of the case this charge also results. Thus the Court finds the accused guilty under this article of the Law.

Charges under Articles 49 and 50

The prosecution produced two authentic copies of judgements against the accused but although the witness confirms the said judgements the witness fails to state whether the said judgements were appealed or were *res judicata*. Thus the Court cannot agree with the final submissions made by the prosecution that the accused is a recidivist under both articles of the law.³⁰

Moreover, the Court further notes that for a conviction under articles 50 to subsist according to the judgement delivered by the **Court of Appeal Il-Pulizija (Spt. S. Mallia) (Spt. R. Mercieca) vs Anthony Borg Appell Kriminali Numru 249/2009 decided on the 16th November 2009 held:**

‘.... Jibqa’ pero’ biex jigi verifikat il-periodu li fih gew kommessi ir-reati ghall-fini tal-artikolu 50 tal-istess Kap. 9. Hu ovvju li iz-zewg sentenzi l-piena erogata kienet anqas minn hames snin prigunerija w ghalhekk biex ikun hemm ir-recidiva ghall-fini tal-artikolu 50 irid jirrizulta li r-reati mertu tal-kawza odjerna gew

³⁰ Testimony of Maria Dolores Fenech at folio 65 of the case file and the sentences submitted during her testimony as DF1 and DF 2. See also Il-Pulizija (Spettur Anthony Portelli, Spettur Fabian Fleri) vs Said Bouslama decided by the Court of Appeal on the 21st January 2020 (Appeal No. 152/2019) as pr Madame Justice Consuelo Scerri Herrera. Pg. 50.

*kommessi fi zmien hames snin minn dak in-nhar li il-hati jkun skonta l-piena jew minn meta l-piena tkun giet mahfura.*³¹

The judgements exhibited are dated 8th February 2012 while the other is dated 1st February 2016 and thus articles 50 is not applicable in this case. Thus, the Court is not finding the accused guilty of being a recidivist under both Article 49 and Article 50.

Decides:

Thus, the Court after having seen (1) Articles 17, 31, 111 (2), 214, 216 (1) (a) and 217 of Chapter 9 of the Laws of Malta finds the accused guilty under the said Articles and condemns her to two years imprisonment and (2) after having seen Articles 49, 50 and 218 of Chapter 9 of the Laws of Malta does not find the accused guilty under the said articles and acquits her of the charges under the said Articles.

The Court also orders the accused to pay all the court expenses relative to the case amounting to two thousand and four hundred and seventy-one Euro and seventy-four cents (€2,471.74) to the Registrar of Courts under Article 533 of Chapter 9 of the Laws of Malta.³²

The Court also orders the Commissioner of Police, if he has not already done so, to immediately initiate legal proceedings against Georgi Hristov Hristov on charges of domestic violence as well as charges relating to the injuries caused to the accused Desislava Vasileva Maksimova under the Articles of law he deems fit and charges under Article 111 (2) of Chapter 9 of the Laws of Malta, amongst others

³¹ Page 7.

³² Fees: Mr. Keith Cutajar Euro 337.70 (Invoice A folio 119); Dr. Mario Scerri Euro 413.60 (Invoice a folio 138); Dr. Marisa Cassar Euro 1,154.04 (Invoice A folio 185); Dr. Marisa Scerri Euro 247.80 A folio 202); PC 1111 Borg Euro 318.60 A folio 238).

which may result from the investigation of the Police relating to this incident. In this respect the Court orders that a copy of this judgement be notified to the Commissioner of Police.

(ft) Magistrate Dr. Monica Vella LL.D., M. Jur.

(ft) Angelo Buttigieg

Deputy Registrar