



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
Magistrate Dr Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**

**Today, 16th January 2023**

**Police  
(Inspector Bernadette Valletta  
Inspector Colin Sheldon)**

**vs**

**Aleksander Mihajlovic  
(165372A)**

**The Court,**

After having seen the charges brought against Aleksander Mihajlovic, 30 years old, son of Slavic and Milica nee Ilic, born in Austria on the 13th June 1988 and residing at 61, Flat 3, Mons D'Andria Steet, Msida holder of Maltese document number 165372A and Serbian passport number 010747378.

Being charged with having on the 5<sup>th</sup> July 2018 and in the year and/or months before on these islands:

- (1) Caused slight bodily harm on the person of his former partner Tiziana Leone in breach of Art 221, 222(1), 202(h) of Chapter 9 of the Laws of Malta.
- (2) With his cause of conduct caused his former partner Tiziana Leone, fear that violence will be used against her or her property or against the persons or property of any of her ascendants or descendants, brothers or sisters or any

person mentioned in Art 222(1) in breach of Art 251B(1) of Chapter 9 of the Laws of Malta.

(3) Uttered insults or threats to his former partner Tiziana Leone in breach of Article 339 (1) (e) of the Laws of Malta.

After having seen the consent given by the Attorney General dated 2<sup>nd</sup> August 2018 for this case to be heard summarily.

After having seen all the documents presented in the acts of these proceedings.

After having heard the testimony of Inspector Bernadette Valletta<sup>1</sup>, Ansel Qirresh<sup>2</sup>, Tiziana Leone<sup>3</sup>, WPS 215 Valerie Mifsud<sup>4</sup>, Antinna Monica Volpe<sup>5</sup> and Silvia Sarronni<sup>6</sup>.

After hearing final submissions by the parties.

## **Considered**

That Inspector Bernardette Valletta in her testimony given on the 8th October 2018, stated that Tiziana Leone reported that she had an argument with her partner who got jealous when he saw a message from her friend. This was first a verbal argument but he then pushed her and caused some injuries. Accused was arrested and removed from residence while Tiziana produced a medical certificate, which witness presented and was marked as Dok AM1. Accused was spoken to where he signed a declaration waving his right to legal assistance and he gave two statements, one on the 8th of July and another on the 11th of July 2018.

---

<sup>1</sup> Fol. 20

<sup>2</sup> Fol. 25

<sup>3</sup> Fol.27

<sup>4</sup> Fol. 32

<sup>5</sup> Fol. 34

<sup>6</sup> Fol. 44

That Ansel Qirresh in his testimony stated that he was a doctor at St James Hospital and he saw Tiziana Leone on the 5th July 2018 at around 1 o'clock. The victim told him that she had been assaulted by her partner three days before. She claimed she fell on her back and had mild tenderness on her lower back. On examination he saw a bruise 5cm by 5 cm on the upper right side of the buttocks, and there was tenderness on the lower back at level L5 and S1, which injuries were classified as mild saving complications.

That Tiziana Leone informed the court that she did not wish to testify against the accused, however the court denied this request. She stated that in the morning of the 5th July 2018, she had received a text message from her friend Silvia, which said Good Morning. The accused saw this message from Silvia and an argument followed because he did not want her to communicate with Silvia. This was not the first argument they had but it was the biggest argument and she was scared because he started to punch the wall and the wardrobe. She then called her boss because she was late for work, and her boss asked her if she was ok and she told him in Italian that she was having an argument with Ale and he asked her friend Monica Antinna Volpe to go pick her up. She then went to the police station to report the incident and she also reported an incident that had occurred a few days before, where she had lost her balance. She then went to St. James Hospital to do a medical certificate. She confirmed that the argument of the 5th July 2018 was verbal.

That on the 14th November 2018, WPS 215 gave her testimony and stated that on the 5th July 2018, Tiziana Leone went to the police station with her friend Antinna Volpe to report that she had been beaten up and threatened by her partner Aleksander Milhalovic. They had an argument in the morning because her partner was jealous of her and he became angry when she received a Good Morning message from her friend. He became violent and started banging the doors and throwing chairs and he threatened that he will beat her up until she ends up in a wheelchair. Tiziana was scared and called her boss to help her, and he sent her friend to her house who rang the bell and Tiziana managed to get out. Tiziana

said that this was not the first time, in fact two days before they also had an argument and he pushed her and she fell on the ground but she never reported before, because she was afraid of him. The witness stated that Inspector Valletta was informed and she ordered the arrest of Aleksander Milhalovic. Tiziana took them to the house but Aleksander had left to work and the witness saw the damaged door which had a clear punch on it. The witness went with RIU and arrested Milhalovic from Giorgio Cafeteria where he worked.

That on the same day, Antinna Volpe testified, were she stated that her boss Gino Penetta called her and told her to go to pick up Tiziana from her house, as she sounded agitated on the phone. Tiziana used to tell her that she sometimes argued with her partner, but this was normal for a couple, but she never said that he was violent. That day she was scared as he was shouting and she took her to her place and she calmed down. Tiziana told her that they had an argument and he punched the door but she didn't say when this had happened.

That on the 13th May 2019 Silvia Saronni testified that she was a friend of Tiziana Leone and that Tiziana started dating Aleksander whom she recognised in court. He became possessive and she started to loose contact with Tiziana. She recalled that once the couple had an argument when they were out together and the accused became both verbally and physically aggressive and started to shake Tiziana. He had called her once and her friend had told her that he wanted Tiziana to stay away from her. Thw witness stated that about the incident of the 5th July she only knew what Tiziana told her, that they had an argument after he saw a text message. On cross examination the witness confirmed that she had met Aleksander at the beginning of the relationship, and there was an argument between them because he was talking to a girl. Although she felt threatened by him after the phone call she did not report it to the police. After the incident of the message, Tiziana told her that she had reported him to the police, and that he was physically abusive and her colleague from work had gone with her to the police.

That on the 5th of March 2020, Tiziana Leone gave evidence<sup>7</sup> under cross examination where she confirmed that this was the first and only report she had ever filed against the accused. Asked if she remembered the words he had said on the day of the incident, she replied she could not remember what he said, but she remembers that she was scared. She did not remember the date when she was injured before the incident of the 5th July 2018 for which she had presented a medical certificate.

### **Considers**

That on the 6th October 2022, the Prosecuting Officer informed the court that the *parte civile* had left Malta permanently and had declared to Inspector Sheldon that she no longer had an interest in these proceedings. Dr Robert Thake for the Defence, informed the Court that since he was not in a position to cross examine the *parte civile*, he requested that her testimony should be struck off from the records of the case as otherwise the accused will be prejudiced.

### **Considers**

That as with regards to the request by the defence, the Court is hereby refraining from taking cognisance of such request, since the defence had ample time to cross examine the *parte civile* from the start of the proceedings in 2018 until the *parte civile* declared that she has no further interest in the case, and infact the *parte civile* had already been cross-examined on the 5<sup>th</sup> of March 2020. The Court is also highlighting the fact that during the sitting of the 5<sup>th</sup> of March 2020 the defence declared that it had no further evidence to present.

That after seeing all the documents presented in the acts of the proceedings and after hearing all the witnesses that testified in these proceedings, the Court is convinced that the charges brought against the accused have not been proven beyond reasonable doubt as required by Law.

---

<sup>7</sup> Fol. 61

## **Decide**

For these reasons the Court is declaring the accused not guilty of the charges brought against him and is acquitting him of said charges.

**Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**  
Magistrate