



**THE COURT OF MAGISTRATES (MALTA)**  
**As a Court of Criminal Judicature**

**MAGISTRATE**  
**DR. CAROLINE FARRUGIA FREUDO**  
***B.A. (Legal and Humanistic Studies), LL.D.,***  
***M.Juris (International Law), Dip. Trib. Eccl. Melit.***

**The Police**  
**(Inspector Warren Galea)**

**vs**

**Halyna Motruk**

**Today the 14<sup>th</sup> of February 2023**

**The Court;**

Has seen the charges brought against Halyna Motruk, 27 years old, daughter of Miroslav and Maria, born in Kolomiya, Ukraine on the 19<sup>th</sup> of November 1995, residing at Philmar, Flat 3, Triq Sant' Aristarku, Saint Paul's Bay and holder of Maltese residence permit number 235513A;

Accused with having, during the night between the 12<sup>th</sup> of February 2023 and the 13<sup>th</sup> of February 2023 in Triq Efesu, Saint Paul's Bay and/or around the Maltese Islands;

1. Without the intent to kill or to put the life of **Martin James Keane** in manifest jeopardy, caused him grievous injuries as certified by Dr. Jacqueline Eleonora Ek with medical registration number 4714. **Articles 214, 215 and 216 of Chapter 9 of the Laws of Malta.**
2. In a public place or a place open for the public was drunk and incapable of taking care of yourself. **Article 338(ff) of Chapter 9 of the Laws of Malta.**
3. At night-time disturbed the repose of the inhabitants by rowdiness or bawling or in any other manner. **Article 338(m) of Chapter 9 of the Laws of Malta.**
4. Assaulted or resisted by violence or active force not amounting to public violence, to **PS 647 Josef Zammit, PC152 Neville Grech** and **PC 387 Roderick Mercieca** who are lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority. **Article 96 of Chapter 9 of the Laws of Malta.**
5. Refused to give, or untruthfully gave to **PS 647 Josef Zammit** who is a public officer who is entrusted with a public service in the actual exercise of his duties, his name, surname, address and other particulars. **Article 338(g) of Chapter 9 of the Laws of Malta.**
6. Disobeyed the lawful orders given by **PS 647 Josef Zammit** and **PC 152 Neville Grech** who are public officers, hindered or obstructed such person in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties. **Article 338(ee) of Chapter 9 of the Laws of Malta.**

This Court was requested that in case of guilt, provides for the security of **Martin James Keane** in terms of **Articles 382A, 383, 384, 385 and 412C of Chapter 9 of the Laws of Malta.**

This Court was requested that in case of guilt, condemns **Halyna Motruk** to pay the costs related to the appointment of any experts in the proceedings as contemplated in **Article 533 of Chapter 9 of the Laws of Malta.**

Has seen that the Prosecuting Officer Inspector Warren Galea has read and confirmed on oath the charges brought against the accused during the sitting dated the 14th of February 2023;

Has seen the acts of the case and the documents exhibited:

- Conviction sheet marked as Dok WG1
- Copy of the identity card of the accused marked as Dok WG2
- Medical certificate marked as Dok WG3
- Report marked as Dok WG4
- Statement of the accused marked as Dok WG5; and
- A CD containing CCTV footage marked as Dok WG6

Having heard the accused during the sitting dated 14th of February 2023 register a guilty plea to the charges brought against her after she was duly examined.

The Court warned the accused about the legal consequences of such guilty plea registered by her and after allowing her a period of time to withdraw her guilty plea and after having explained the effects of such guilty plea and after having given her time to speak again to her legal counsel, the accused once again confirmed her guilty plea.

The Court, after seeing Article 392A(1)(2) of Chapter 9 of the Laws of Malta, and in the light of the accused's voluntary and unconditional guilty plea,

converted itself to a Court of Criminal Judicature and proceeded to pass judgement on the accused.

### **Considered**

In view of the accused's guilty plea the Court finds the accused guilty of the charges brought against her. Regarding punishment, the court is taking into consideration the guilty plea at such an early stage of the proceedings, in thus the court did not have to waste time in gathering further evidence, the accused's clear conviction sheet produced by the prosecution and the fact that the accused has collaborated fully with the police pending their investigation. The Court therefore does not deem it ideal to impose an effective prison sentence in the circumstances.

### **Decide**

Therefore, the Court after having seen Articles 214, 215, 216, 338(ff), 338(m), 96, 338(g) and 338(ee) of Chapter 9 of the Laws of Malta is finding the accused Halyna Motruk guilty of the charges brought against her and condemns her to a period of two (2) years imprisonment, which term of imprisonment in terms of Article 28A of Chapter 9 of the Laws of Malta shall not take effect unless during a period of four (4) years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter, the competent court so orders under Article 28B of Chapter 9 of the Laws of Malta, that the original sentence shall take effect.

The Court also condemns the accused Halyna Motruk to a fine multa of four thousand Euros (€4000) which is to be paid by monthly instalments of one hundred and twenty Euros (€120) and which has to be fully paid within three (3) years from today.

In terms of Article 383 of Chapter 9 of the Laws of Malta the accused Halyna Motruk is being bound by a personal guarantee of one thousand Euros

(€1000) for a period of twelve (12) months from today from molesting, speaking or contacting whether directly or indirectly, Martin James Keane, PS 647, PC 152 and PC 387.

In terms of Article 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language her liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence she commits an offence punishable with imprisonment.

The Court, after having seen Article 392A of Chapter 9 of the Laws of Malta orders that a scanned copy of these proceedings and judgement be sent to the Attorney General according to law.

**Dr. Caroline Farrugia Frendo**  
**Magistrate**

**Brittany-Ann Vella**  
**Deputy Registrar**