



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**The Police
(Inspector James Mallia)**

Vs

Marie Lisa Schumann

Today, 11th May 2023

The Court,

After having considered the charges brought against **Marie Lisa Schumann**, from Bavaria, Germany, daughter of unknown father and Tina neè Schumann, born on the 18th May 2003, without fixed address in Malta and holder of German Identity Card number LG2GCGG1N, of having on 5th May 2023, between 08:00hrs and 12:00hrs in the childcare Magic Castle Childcare, Triq il-Vitorja, Qormi, Malta :-

1. Where from any of the causes referred to in the last preceding article, a bodily harm shall ensue on the person of the child Blake Mifsud, the offender shall on conviction be liable to:
 - (a) If the harm is grievous and produces the effects mentioned in Article 218, to imprisonment for a term not exceeding one year or to a fine (*multa*) not exceeding four thousand and six hundred and fifty eight Euro and seventy five cents (€4,658.75);
 - (b) If the harm is grievous without the effects mentioned in Article 218, to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding two thousand and three hundred and twenty nine Euro and thirty seven cents (€2,329.37).

After having considered the request by the Prosecution for the Court to apply Article 533(1) of Chapter 9 of the Laws of Malta with regard to expenses incurred by Court-appointed experts;

After having examined the documents submitted in the records of the proceedings, namely: (i) a CCTV footage from Magic Castle Childcare relative to the incident forming the merits of these proceedings - Doc. "A"; (ii) a photocopy of the accused's Identity Card issued by the German Authorities - Doc. "B"; (iii) a medical certificate which shows the injuries sustained by Blake Mifsud - Doc. "C"; and (iii) a Police incident report concerning the incident forming the merits of these proceedings - Doc. "D".

After having heard the accused plead guilty to the charges brought against her, which guilty plea was reiterated by her after the Court explained to her the legal consequences of her guilty plea and gave her sufficient time to reconsider and withdraw her guilty plea;

After having heard submissions regarding punishment by the Prosecution and Defence Counsel and also Counsel for the injured party, during which the Prosecution declared that the charge in terms of Section 226(1)(b) of Chapter 9 of the Laws of Malta, is alternative to the charge in terms of Section 226(1)(a) of Chapter 9 of the Laws of Malta and both the Prosecution and Counsel for the injured party both declared that in this case they are not asking for an effective imprisonment term for the accused by way of punishment;

After having considered all the records of the proceedings;

Considers:

The accused is being charged of having on 5th May 2023, between 08:00hrs and 12:00hrs, in the childcare Magic Castle Childcare, Triq il-Vitorja, Qormi, Malta, caused involuntary bodily harm to Blake Mifsud, namely that where from any of the causes referred to in the last preceding article a bodily harm shall ensue on the person of the child Blake Mifsud, the offender shall on conviction be liable to: (a) If the harm is grievous and produces the effects mentioned in Article 218, to imprisonment for a term not exceeding one year or to a fine (*multa*) not exceeding €4,658.75; (b) If the harm is grievous without the effects mentioned in Article 218, to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding €2,329.37.

The accused pleaded guilty to the charges brought against her. In view of said guilty plea the Court is to find the accused guilty of the charges brought against her, this however in terms of that explained hereunder.

In so far as concerns punishment the Court took into account the fact that the accused submitted an early guilty plea and that the Prosecution and Counsel for the injured party are not insisting on an effective term of imprisonment. The Court

also took into account the fact that the charge in terms of Section 226(1)(b) of Chapter 9 of the Laws of Malta is alternative to the charge in terms of Section 226(1)(a) of Chapter 9 of the Laws of Malta.

Therefore, whilst abstaining from considering the charge in terms of Section 226(1)(b) of Chapter 9 of the Laws of Malta since it is alternative to the charge in terms of Section 226(1)(a) of Chapter 9 of the Laws of Malta, after considering Section 226(1)(a) of Chapter 9 of the Laws of Malta, the Court is finding the accused, upon her own admission, guilty of the charge brought against her in terms of said Section 226(1)(a) of Chapter 9 of the Laws of Malta, and condemns her to six (6) months imprisonment, however, since the Court deems that in this case there are sufficient reasons which warrant the suspension of the prison term being here imposed on the accused, namely the fact that the accused submitted a guilty plea at an early stage of the proceedings and the circumstances of the case, in terms of Section 28A of Chapter 9 of the Laws of Malta suspends the said term of six (6) months imprisonment hereby imposed on the accused for a period of one (1) year from date of this judgment.

In terms of Section 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.

Since no Experts have been appointed in these proceedings, the Court abstains from considering the request by the Prosecution in terms of Section 533(1) of Chapter 9 of the Laws of Malta.

The accused is requesting that she be given a copy of the judgement translated in German and Court is appointing Bettina Berger for this purpose.

MAGISTRATE

DEPUTY REGISTRAR