



**COURT OF MAGISTRATES (MALTA)**

**AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR. KEVAN AZZOPARDI B.A. LL.D**

**Today the 25th of January 2024**

**The Police**

**vs.**

**Nicola Galea**

**Albert Garcia Mozley**

**The Court:**

Having seen that the accused Nicola Galea born on the 22nd October 1995, Rabat Gozo, daughter of Gloria Galea nee Zarb Cousin, holder of identity card with number 12496G and residing Fl 3, Belmont Heights, Blk L, Trejjet Sant'injazju, Sliema and *Alberto Garcia Mozley, born on the 09th October 1979 in Spain, holder of identity card document bearing number 0162629A, and residing at Flat 3, Belmont Heights, Block L, Trejjet Sant' Injazju, Sliema* were accused for having on the 29th May 2023 at around 02:00hrs in the Common areas of the Block L, Belmont Heights, Trejjet Sant Injazju, Sliema:

1. *At night time, disturbed the repose of the inhabitants by rowdiness or bawling, or in any other manner. Art.338(m) Kap.9*
2. *Wilfully disturbed the public good order or the public peace. Art.338(dd) Cap.9*

3. *Insulted or threatened Oleg Panov, not otherwise provided for in this Code, or when being provoked, carried your insult beyond the limit warranted by the provocation. Art.339(l)(e) Kap.9.*

*And Alberto Garcia Mozley on his own, was accused for having on the 29th May 2023 at around 02:00hrs in the Common areas of the Block L, Belmont Heights, Trejjet Sant Injazju, Sliema:*

4. *By your course of conduct, caused Oleg Panov to fear that violence would be used against him or against his property or against the person or property of any of his ascendants, descendants, brothers or other relatives. Art. 25]B(l) Cap.9*
5. *Wilfully destroyed or damaged or flooded other's property, mobile or immovable which damages amount to more than £250 but less than €2,500 to the detriment of Joseph Hall. Art.325(l)(b) Cap.9*
6. *Without inflicting any wound or blow, threatened Oleg Panov with stones or other hard substances, or throws the same, or takes up any other weapon against Oleg Panov; Art.339(l)(b) Kap.9*
7. *Attempted to use force against Oleg Panov with intent to insult, annoy or hurt such person or others, unless the fact constitutes some other offence under any other provision of this Code; Art. 339(l)(d) Kap.9*

The court was kindly requested to issue a Protection Order against the accused to provide for the security of Oleg Panov, or for the keeping of the public peace, or for the purpose of protecting the injured person or other individuals from harassment or other conduct which will cause fear of violence in terms of Articles 383 and 412C of Chapter 9 of the Laws of Malta. Having seen that after the prosecuting officer read and confirmed the charges on oath, the accused pleaded not guilty.

Having seen and heard the evidence tendered by the prosecution, and that after the prosecution declared that it did not have any further evidence to produce, the defence raised a preliminary plea with regards to prescription.

Having heard the defence counsel's submissions in this regard, and that the prosecuting officer rested his case in the judgement of the court.

**Considerations:**

In view of the plea raised by the defence the prosecuting officer presented summons and subphoena in relation to both accused.

The Court considered that the plea raised by the defence was based on the fact that the notice of summons and subphoena does not indicate a date in relation to when such notice was served upon both accused.

The Court after carefully reviewing the notice of summons and subphoena in this case notes that there is no indication as to when this was notified and served upon the accused. Even though the notice seemed to have been issued by Inspector Jonathan Ransley on the 20th June 2023, the said inspector did not testify in this regard, and the Court does not have any proof in relation to when the subphoena was served upon the accused. Therefore the Court cannot ascertain whether the charges are time barred.

**Decision:**

In the circumstances, in view of the fact that there is no indication as to when the summons and subphoena were served upon the accused, the Court declares the case prescribed and therefore the accused Nicola Galea holder of identity card with number 12496G, and Alberto Garcia Mozley, holder of identity card document bearing number 0162629A, are being acquitted from the charges brought against them.

**Kevan Azzopardi B.A. LL.D**  
**Magistrate**

**Josanne Gauci**  
**Deputy Registrar**

**< Final Judgement >**

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