



**CRIMINAL COURT**

**HON. MADAME JUSTICE NATASHA GALEA SCIBERRAS**

Bill of Indictment No: 29/2023

**THE REPUBLIC OF MALTA**

**VS**

**LAWRENCE ABINA**

Today, 20th March, 2024

**The Court,**

**Having** seen the Bill of Indictment bearing number 29/2023 against the accused Lawrence Abina, in virtue of which he is being accused by the Attorney General in the name of the Republic of Malta:

## ***FIRST AND ONLY COUNT: WILFUL HOMICIDE OF RITA ELLUL***

### *THE FACTS*

*On the twenty-sixth (26) of February of the year two thousand and twenty-two (2022) the accused **Lawrence Abina** (hereinafter referred to as ‘the accused’), maliciously, with the intent to kill or put the life of Rita Ellul (hereinafter referred to as ‘the victim’) in manifest jeopardy, caused the death of such other person being the victim Rita Ellul, in Millenium Flats, Flat 10, Dun Frangisk Mizzi Road, Ghajnsielem, Gozo and/or these Islands.*

*Whereas the accused **Lawrence Abina** and the victim Rita Ellul had been in a turbulent relationship for a couple of years. Their relationship was characterised by various instances of verbal and physical abuse and recently the couple had quarreled and stopped seeing each other for a period of months. However, after various attempts by the accused **Lawrence Abina** to get back together, the victim Rita Ellul relented and eventually agreed to get back together.*

*Whereas on the twenty-fifth (25<sup>th</sup>) of February of the year two thousand and twenty-two (2022) the victim Rita Ellul and her friend Josephine Borg were spending time at the apartment being leased by the accused **Lawrence Abina** and his flatmate Amankwah Tafutor, namely in Millenium Flats, FL 10, Dun Frangisk Mizzi Road, Ghajnsielem, Gozo. However while the victim Rita Ellul, her friend Josephine Borg and the flatmate Amankwah Tafutor joked with one another and enjoyed their evening, the accused **Lawrence Abina** did not join them and kept to himself. Later that same evening on the twenty-fifth (25<sup>th</sup>) of February of the year two thousand and twenty-two (2022), Josephine Borg left the apartment and went home while the accused **Lawrence Abina** and the victim went to get something to eat from a kiosk in Imgarr (Gozo) and later proceeded to go to watch a movie on their mobile phone in Imgarr. During the evening of the twenty fifth (25<sup>th</sup>)*

*February of the year two thousand and twenty two (2022) everything appeared to be normal as the accused Lawrence Abina and the victim Rita Ellul went back to the above-mentioned apartment in Millenium Flats, FL 10, Dun Frangisk Mizzi Road, Ghajnsielem, Gozo and went to sleep.*

*Whereas the following morning on the twenty-sixth (26th) of February of the year two thousand and twenty-two (2022), the accused **Lawrence Abina** woke up for work at around six fifty in the morning (6:50am), prepared for work and had breakfast with his flatmate Amankwah Tafutor. As his flatmate Amanwkah Tafutor left for work, the accused **Lawrence Abina** remained at his apartment while the victim Rita Ellul was still fast asleep. When the accused **Lawrence Abina** prepared to go to work, he went to kiss the victim Rita Ellul goodbye.*

*Whereas it was at this point, in the morning of the twenty-sixth (26th) of February of the year two thousand and twenty-two (2022) in Millenium Flats, FL 10, Dun Frangisk Mizzi Road, Ghajnsielem, Gozo, that the accused **Lawrence Abina**, maliciously, with the intent to kill or put the life of Rita Ellul in manifest jeopardy, caused the death of such other person being Rita Ellul. The accused **Lawrence Abina** climbed on top of the victim Rita Ellul and vigorously pressed his thumbs on the victim's neck. While the accused **Lawrence Abina** was strangling the victim Rita Ellul, the victim woke up in shock, however she was unable to stop the accused **Lawrence Abina**. In this attack on the victim Rita Ellul, the accused **Lawrence Abina** managed to obstruct the victim's air passage by applying physical pressure on her neck which resulted in the death of the victim Rita Ellul due to asphyxia by manual pressure on the neck, also known as strangulation.*

*Whereas when the accused **Lawrence Abina** was spoken to by the Police on the twenty-eight (28th) of February of the year two thousand and twenty-two (2022), the accused gave his version of events and denied his involvement in the homicide*

*and that he became aware that the victim Rita Ellul was dead only after he returned from work at around noon. However, this statement of events contrasted with the subsequent interrogations and findings of the investigation. Before attending for the second part of his interrogation on the first (1st) of March of the year two thousand and twenty-two (2022), the accused **Lawrence Abina** broke down crying and confessed that he was feeling guilty and sorry for all that happened. During this second part of his interrogation the accused **Lawrence Abina** confirmed his involvement in the case and even described in detail how he killed the victim Rita Ellul including the way he put his hands around the victim's neck. He explained that this attack was motivated by his jealousy. In the last and third part of his interrogation on the second (2nd) of March of the year two thousand and twenty-two (2022) the accused **Lawrence Abina** confirmed that his flatmate Amankwah Tafutor had no involvement in the case and that the accused **Lawrence Abina** was solely responsible for the victim's Rita Ellul death.*

#### *THE CONSEQUENCES*

*Therefore, by committing the above-mentioned acts maliciously, and with criminal intent, the accused **Lawrence Abina** rendered himself guilty of wilful homicide, namely that on the twenty-sixth (26th) of February of the year two thousand and twenty-two (2022) in Millenium Flats, Flat 10, Dun Frangisk Mizzi Road, Għajnsielem, Gozo and/or these Islands, maliciously, with intent to kill a person, that is Rita Ellul, or to put her life in manifest jeopardy, caused the death of the said Rita Ellul.*

#### *THE ACCUSATION*

*Therefore, the Attorney General, in the name of the Republic of Malta, in light of the circumstances, timeframe, and facts which have already been mentioned above in this Count of this bill of indictment, accuses the aforementioned **Lawrence Abina**, as guilty of wilful homicide, namely that on the twenty sixth*

*(26th) of February of the year two thousand and twenty-two (2022), in Millenium Flats, Flat 10, Dun Frangisk Mizzi Road, Għajnsielem, Gozo and/or these Islands, maliciously, with intent to kill another person, that is Rita Ellul, or to put her life in manifest jeopardy, caused the death, of the same Rita Ellul.*

*THE PUNISHMENT REQUESTED*

*Therefore Attorney General, in the name of the Republic of Malta, demands that the accused **Lawrence Abina** be proceeded against according to law and that he be sentenced to imprisonment for life in accordance Articles 9, 17, 23, 23B, 31, 211(1), 211(2), 532A and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law that can be given to the aforementioned accused following the declaration of guilt.*

**Having** seen the records of the proceedings;

**Having** seen the verdict of the jury of today's date by which it unanimously found the accused Lawrence Abina guilty of the First and Only Count of the Bill of Indictment;

**Declares** the accused **Lawrence Abina** guilty of the First and Only Count in the Bill of Indictment number 29/2023 and thus guilty of wilful homicide, namely that on the twenty-sixth (26<sup>th</sup>) of February of the year two thousand and twenty-two (2022), in Millenium Flats, Flat 10, Dun Frangisk Mizzi Road, Għajnsielem, Gozo and/or these Islands, maliciously, with intent to kill another person, that is Rita Ellul, or to put her life in manifest jeopardy, caused the death, of the same Rita Ellul;

**Having** seen the updated criminal record sheet of the accused;

**Having** heard the submissions made by the Attorney General with reference to the punishment to be meted out to Lawrence Abina, in virtue of which the Attorney General highlighted, *inter alia*, the heinous and premeditated nature of the crime, its method of execution, the agony, pain and suffering inflicted on the victim, the motive for the killing and in general, that such violent behaviour has no place in a civil society, further pointing out that the Court must, in this case, mete out the specific punishment to which Article 211(1) of the Criminal Code refers;

**Having** heard and considered the submissions made by Dr. Franco Debono acting on behalf of the injured party, with reference to the punishment to be meted out, by means of which he emphasised the unanimous verdict of the jurors and that no mitigating factors resulted in this case, whilst inviting the Court to take into consideration that justice must be done with the victim's family;

**Having** heard and considered the submissions of Counsel for the Defence in respect of punishment, in virtue of which, whilst noting the unanimous verdict of the jurors and the mandatory punishment applicable, pointed out the remorse shown by the accused during his second and third interrogations by the Executive Police and invited the Court to mete out an appropriate punishment.

**Considers that:**

The Court cannot but take into account the heinous nature of the crime committed by the accused, the callous mode in which it was executed, namely by manual strangulation, whilst the victim Rita Ellul was asleep and therefore helpless, and the intimate relationship between the accused and the victim, who had been in a relationship for a number of years. Furthermore, it considers that Lawrence Abina committed this crime in a premeditated fashion, motivated as he was by jealousy,

accusing Rita Ellul of infidelity, which he previously admitted to having committed in her regard. The Court considers further that despite the accused's confession at the investigation stage, this was preceded by the accused disturbing the scene of the crime and cold-bloodedly, proceeding to work following the killing, only to return home pretending that he had just found Rita Ellul dead, making believe that she had died through natural causes. In the Court's view, a crime as that committed by Lawrence Abina must be punished to the full extent imposed by law and indeed, in view of the unanimous vote reached by the jury, it is obliged to mete out the punishment of life imprisonment.

**Having** seen Articles 9, 17, 23, 23B, 31, 211(1), 211(2), 532A and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, condemns the accused **Lawrence Abina** to imprisonment for life.

Furthermore condemns the said **Lawrence Abina** to pay, to the Registrar, the costs incurred in connection with the employment of experts in the proceedings, including such experts as have been appointed in the examination of the process verbal of the inquiry, in the total sum of sixteen thousand, one hundred and eighty-four Euro and fifty-seven cents (€16,184.57), which sum shall be paid by the said **Lawrence Abina** within twenty-four months (24) months from the date of this judgement. In default, the said expenses shall be converted into a term of imprisonment according to law.

Orders the forfeiture of the objects, property of the person sentenced, exhibited in the proceedings.

**Natasha Galea Sciberras**  
**Judge**

