



**Court of Magistrates (Gozo)
As a Court of Criminal Judicature**

Magistrate: Dr. Simone Grech

Today 24th April 2024

**The Police
(Inspector Josef Gauci)**

vs

Blaize Stanley Marc Dudney

The Court

Having seen the charges brought against Blaize Stanley Marc Dudney, whereby he was charged with :

"... in these islands on the 20th February 2022 at around 23.30hrs at the Gozo General hospital car park in Triq id-Donaturi tad-Demm, Victoria, Gozo and/or in the vicinities 1, Without intent to kill or to put the life of any person in manifest jeopardy, caused harm of grievous nature to the body on the person of Leeam Jay Neal Shiska Archibald, as certified by Dr Sumaya Elsadi MD of Gozo General Hospital, and this in violation of articles 214 and 216 of Chapter 9 of the Laws of Malta.

The Court is being kindly requested where it deems expedient, in order to provide for the safety of Leeam Jay Neal Shiska Archibald, for the keeping of the public peace in addition to or in lieu of the punishment applicable to the offence, require the offender to enter into his own recognizance in a sum of money to be fixed by court and this in terms of article 383 of Chapter 9 of the Laws of Malta.

The Court is also being kindly requested for the purpose of providing for the safety of the injured party to issue a Protection Order under Article 412C of Chapter 9 of the Laws of Malta.

The Court is kindly being requested that in case of guilt, in pronouncing judgement or in any subsequent order, sentence the accused to the payment, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, if any, as contemplated in article 533 of Chapter 9 of the Laws of Malta.

Having seen all documents exhibited,

Having heard the evidence;

Having read out the note of the Attorney General dated 1ST April 2024 and having seen that the accused had no objection that this case be heard and tried summarily;

Having heard final oral submissions.

Considers

Although the prosecution brought forth several witnesses, the alleged injured party did not testify. The other witness Brandon Joe Farrugia was not very clear in his testimony as he stated that he did not remember several details and also stated that according to him, this incident allegedly happened between summer and Christmas. The other witnesses which gave evidence were the Prosecuting officer, another police officer and the doctor who examined the alleged victim, but these witnesses were not present during the alleged incident.

The Court is also in possession of the statement given by the accused to the police after that he refused to consult or be assisted by a lawyer. In this statement he mentions that he got in a fight with a certain Leeam and that he punched him once in the face and got back in the car. He did not mention what type of injuries were allegedly caused to Leeam. He also stated that Leeam was drunk and that is why he started the argument. The Court however does not have any other evidence as to what type of injuries were caused to Leeam, if any, by the accused. Moreover, the patients certification form exhibited at fol 20 outlines that the alleged victim was examined the day after the accident at 11.30 am. Therefore, the alleged victim went to hospital 12 hours later after the alleged incident happened.

As a result, the Court is not convinced that the Prosecution proved the charges brought against the accused beyond any reasonable doubt.

Consequently the Court shall proceed to acquit the accused from the charge brought against him.

Decide

For the above mentioned reasons, the Court is not finding the accused guilty of the charge brought against him and is thereby acquitting him.

(sgd) Dr. Simone Grech
Magistrate

(sgd) Daniel Sacco
D/Registrar

True Copy

f/Registrar