



**In the Court of Magistrates (Malta)**  
**As a Court of Criminal Judicature**  
**Magistrate Dr. Yana Micallef Stafrace LL.D.**

The Police

(Inspector Charlotte Curmi)

Vs

Martin John Richards

24<sup>th</sup> June 2024

The Court

Having seen the charges brought against Martin John Richards Son N/A Born on the 16/04/1967, ID 194026A Residing Trilithon Court, Fl 22, Triq il-Kurazza, San Pawl il-Bahar. with having on the 12<sup>th</sup> August 2020 at about 05:40hrs in Triq Buqana, Rabat, Malta drove vehicle with Registration no: BCM467;

1. And through imprudence, negligence and unskillfulness in your art or profession, and non observance of the motor vehicle regulations, collided in vehicle with registration no: KQZ298 and caused involuntary damages to the detriment of Christian Borg.

2. And was involved in a traffic accident with another vehicle no: KQZ298, you failed to stop, and when you were required, you failed to give your particulars, your name and address, the name and address of the owner of the motor vehicle, the details of the insurer of vehicle no: KQZ298 as well its registration mark or number of the vehicle that you were driving as requested by Law.

Prosecution requests that the mentioned person be disqualified from all his driving licenses.

The Court is humbly requested that in case of guilt, also deducts points from the driving license, as indicated in S.65.18 Art36B and in S.L. 65.18 Sixth Schedule.

Having seen articles 328 (d) Chap 9 , LS 65.11 MVR67(1)(5) S.65.18 Art36B and in S.L. 65.18 Sixth Schedule. Of the Laws of Malta

Having seen the testimony of the witnesses of the prosecution

Having seen the testimony of the accused

Having seen the acts and documents of the proceedings

Having seen the oral submissions of the parties

## **Considerations of the Court**

**PC 895 Joseph Scicluna** testified by means of an affidavit

**Svetlana Maksic**, testified

Pros: Svetlana, you reported something to the police?

Wit: Yes,

Pros: Can you explain what happened and where?

Wit: Yes, I was going to work. It was early in morning 5 and something and it's was near Rabat. After this roundabout I was going to work. My daughter and her fiancée` was with me in car.

Pros: Do you know the date?

Wit: I'm not sure exactly because it was I think 3 years ago something like this, but really I'm not sure about it.

Pros: What time was it?

Wit: 5 and something in morning and we went to work and then we go to police because it was really I was driving.

Pros: On on which side you were driving?

Wit: I was passing car, I was on a right side.

Pros: Do you know the road? Maybe you remember a shop or something like that?

Wit: No, there is no shop, it's on a Rabat. after a roundabout it's on the left side. Is this road that come from Big Mat or something, I'm sorry I really don't know exactly address or something.

Pros: So you were driving,?

Court: You were going in which direction? where going towards what?

Wit: To Metal electronics where I was working.

Court: So towards Valletta or towards Rabat?

Wit: From Rabat to the other direction, and I was passing, but from left side car hit us and he continued to drive. He didn't stop. I pressed horn.

Court: So from his, the left he went to, he went into your lane?

Wit: Yes.

Court: And hit you?

Wit: Yes, but he didn't stop, he continued to drive like this and I don't know, maybe I don't know. I couldn't stop because front of me was another car, behind me was so many cars.

I don't know really. And after I don't know how long we was driving like this. And after in one moment he just turned and he left my daughter, she saw plates, number and that's it.

Court: So you didn't see the number plates? You yourself didn't see the number?

Wit: No, I didn't see.

Pros: What is the number plate of your car? The car you were driving?

Wit: I don't have any more of this car. It was Toyota white, but I don't remember KQZ, but none that I'm not sure exactly.

Pros: Do you remember the person that hit the car that was driving? The one that hit you?

Wit: No I'm sure that it was man with grey hair. Nothing else really. I was scared, my daughter was in car and believe me, for me it's not problem. He hit us, OK, I fix car but to run away, not to stop it to see if you kill someone or something.

Pros: Can you see the same man? Maybe you have a look in the hall, Maybe you recognize him or not?

Wit: No, no, I can't see it.

Avu: Can you explain exactly the part when you are saying that this car, the other car collided with your car because I have not understood that part, how I collided with you?

Court: Repeat how the accident happened?

Wit: OK, I was driving, I was driving on the right side he came from left and he hit us and he continued to drive like this. He didn't stop.

Avu: When you made the report with the police, did you tell them that the other car hit you?

Wit: Yes.

Avu: Because they never mentioned it in the affidavit the original your original version was that you were pushed out of the road, not that he collided with you?

Wit: I couldn't move I didn't have space to move nowhere.

Avu: But that he did, the other car collided with you, or you were in a narrow part and because of the other car you were forced off the road?

Court: He hit you, or he may or he forced you to hit something?

Wit: First he hit on car and then he continued like, like he want to go on a right lane.

Court: And you ended up in a barrier?

Wit: Yes.

Court: OK.

Avu: Can you describe the damages that you sustained in your car?

Wit: It was from left side front door, back door this but I am really not so good in English so I went to this Toyota car centre and they told me what exactly I have to change so.

Avu: But those are the damages you suffered with the barrier when you collided with the barrier?

Wit: This is the images from his car.

Court: In the left, his car on the right probably the barrier I would imagine?

Wit: Yes, but most of the images was from left side on car where he hit me.

Pros: No more questions.

**Zarana Novakovic, testified**

Pros: You reported something to the police?

Wit: Yes.

Pros: Can you explain what happened?

Wit: Yes, so on 12th August of 2020, around 5:40 in the morning and we were driving under on the road of the Rabat. Actually Rabat was on the right side. I'm sorry if I don't know the road exactly and we were in the right hand lane, there was a car in front of us and there were like two or three cars behind us I was sitting on the back seat and at some point I just looked on the window and I saw a car which was coming from the side towards the front door, front left door and I just went the honking from our car like to just alarm a person that is coming very close to us. It was very not possible to stop suddenly because we had 3 cars behind us and there was a car in front and we were all the way on the pavement and close to the road barrier.

Court: And did he hit you at some point?

Wit: Yes, he did hit the front rear door at some point.

Court: How did he manage to hit you and push you aside if there was cars in front of you and behind you?



Wit: He was his car was approaching ours basically like we were moving. His car was moving towards ours all the time.

Court: Sideways?

Wit: Yes, exactly towards us and then the cars cleared up, the road cleared up, we stepped and we moved to the left and stopped and the guy just passed near us.

Court: Did you did you see the number plate?

Wit: I just looked I wrote it in my telephone I think it's KBS 467 I have a screenshot from that morning.

Court: This is your car or the other car?

Wit: No I am very sorry I can't remember the number plate now. I'm very sorry.

Court: What happened with the number plate?

Wit: I wrote it as a message on my phone and I took a screenshot and then we contacted police after that with the number plate.

Court: So you went to the police and gave them the numbers?

Wit: Yes, and I have even the number report of the police.

CourtL And you you don't you don't remember the number of the car you told the police about?

Wit: I think it's BC and 467. But I I'm really shaken.

Court: Do you recognize someone here who is the driver, please in the room?

Wit: I can't say 100% that's it looks familiar, but I'm still not sure.

Court: When you say it looks familiar, Who this the person you saying is familiar?

Wit: A guy sitting on the bench.

Court: The witness indicated the accused. But you're not sure?

Wit: No, I know it was an old guy who had grey hair and it looked like he was sleeping on the wheel. It looks like he was awakened basically when he hit us. And at that point he started shifting left, back left. I see.

Pros: With whom you said we who was in your car?

Wit: So my mother was on the driver's seat my partner was on the left at the front left, and at the back was me.

Court: Aah you were at the back,

Wit: Yes.

Pros: And you were aiming from Rabat you were aiming going to where?

Wit: We were going towards Metal electronics in Birkirkara, so from Rabat.

Court: So you came from Rabat, you were going in the opposite direction towards, roughly speaking?

Wit: Towards Zebbug let's say in that direction.

Court: Ok and do you remember your the number plate of your own car?

Wit: KQZ 298 maybe. I'm very sorry, it's not a problem.

Pros: No further questions, your honor.

Court: Thank you.

Court: Cross?

Adv: Do you remember what was the other vehicle? You seem to remember?

Wit: It was a long car and some some greenish colour like the desk of the judge as far as I remember. OK.

Adv: No further question. Thank you very much.

**Dusan Aleksic**, testified

Pros: You reported something to the police?

Wit: Yes, we reported the accident.

Pros: Can you explain what happened, when and where, please?

Wit: It was on a highway now it was towards Rabat towards after Micallef Service Station you pass a roundabout and then you go down hill  
Sorry, it's in my photographic camera it was in the right hand side lane, vehicle from the left it was Peugeot 3008, if I'm not mistaken, BCM 467 I cannot remember exactly because it was 3 years ago he just started merging into our lane, pushing us against the barrier and the pavement.  
After honking, honking, honking, he moved away he just left we stopped in the middle of the highway we tried calling the police, they told us, they told us to come to the

nearest police station and make a report, which we actually did.

Court: Do you recognize anyone here as the driver?

Wit: It was elderly person, that's all I could say. Elderly person.

Pros; Do you remember? Do you remember the number plate of the car that not?

Wit: OK, KQZ 298 the car of.

Pros: Who was driving it?

Wit: My partner's mom.

Pros: And you were seated where?

Wit: In the front passenger that's how I can recon that it was elderly person I cannot say the face, but grey hair, elderly person it was operating the way.

Pros: In the way the Peugeot was driving can you further give, can you give additional details with regards how the person who was driving the Peugeot in which manner he was driving?

Wit: We were passing the right lane, so when you pass the right lane, so when you pass the vehicle, you will merge into the left lane. The idea was for him I think to overtake the vehicle which was in front of him because there was one vehicle in front of him now I don't know was he impatient to wait for us to pass the vehicle or he just he didn't see us, he just went, went into us and there was a car in front of him probably he was going to overtake the car which was in front, most probably that's what I'm presuming.

Pros: No further questions.

Adv: And do you remember the make of this car?

Wit: It was Peugeot I cannot say 100%, it's 3008, but it was Peugeot white, big car, tall, much taller than ours.

Adv: No further question.

**Jeffrey Scibberas** testified

Pros: What's your job please?

Wit: Michael Debono Limited from the Department of Body Shop.

Pros: Do you issue anything which is part of your job? Do you recognize that document?

Wit: Yes, this is an estimate that we've done. I mean DOC JS on this.

Pros: With regards to which parts you confirm the all of it?

Wit: Yes, you have lock acid lock, cups of acid, half cup, emblem, radiator right, hood Abase unit AC headlamp, headlamp front, headlamp left. Grommets clips. Liners mud guard. OK, retainers, but it starts with the bumper and you have front cover bumper.

Pros: OK, no further questions.

Wit: Left side repairs front and left. No further questions.

Adv: Neither from here.

Wit: OK, thank you.

**Martin John Richards**, testified

Adv: So Mr. Richards you hear, you hear the the witnesses saying that on the 12th of August 2020 you were involved in an accident with them. Can you can you explain to the Court if that's true or not? And why?

Wit: If it's not true, why couldn't it be true? It's not true, apparently when this accident happened, I'd only been in Malta two years. I don't even know where the area was at the time now the morning I got a call from Qawra police station. Asking me to go up and see them I went up to see them because I left a message on the answering machine when I got there apparently they knew nothing about it, but they went in the back coming said apparently I had been involved in an accident so I said well when where? They said. Last night blah blah blah so they knew nothing more so I got this.

Court: So who was this Qawra Police Station?

Wit: Yes, so I got the one officer to look out the window because my car was parked I said there's no damage, no damage to my car at all and it read, but I'm not up at that time. In the morning I wouldn't be about What time did they say?

Adv: They are saying at 20 to 6 in the morning.

Wit: No, no, no, no, no, no. It was not me it was not my car there is another car looking exactly the same as mine with the registration very, very close to mine, I've not seen it, but friends of mine have seen it because I've been investigating this for a couple of years because it wasn't me.

Adv: Can you present this and explain to the court what?



Court: DOC MJR.

Adv: Explain the photos, not what's written. Explain the photos what do those photos show?

Wit: These photos show my car with no damage on either side, and they also show original paintwork. It's never ever been to a Body Shop, never been in an accident, never had an insurance claim since I've been in Malta.

Adv: And what's the What's the make of your car?

Wit: It's Citroen C4 Grand Picasso C4 Citron Grand Picasso.

Adv: No further questions.

Pros: When were those photos taken, Sir?

Wit: The photos were taken 3-4 months ago.

Pros: No Anything else. Thank you very much.

### **Consdiderations of the Court**

Regarding the first charge, there is no evidence produced that

damages that may have potentially occurred where to the detriment of Charles Borg. Doc JS makes no reference to such person .Charles Borg did not give testimony in these proceedings. Therefor the first charge has not been proved .

Regarding the second charge there does not subsist proof to the level required in a criminal court that it was Martin John Richards who was involved in the accident *de quo*. He was not recognised as the driver of the vehicle that allegedly caused the accident. Therefore the second charge is also not proved .

### **Decide**

Having seen articles 328 (d) Chap 9 , LS 65.11 MVR67(1)(5) S.65.18 Art36B and in S.L. 65.18 Sixth Schedule. Of the Laws of Malta and for these reasons finds **Martin John Richards** not guilty of the charges brought against him.

**Magistrate Dr Yana Micallef Stafrace LL.D.**

**Doris Serpina Sciberras**

**Deputy Registrar**

