



**IN THE COURT OF MAGISTRATES
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRATE DR. ANN MARIE THAKE
LL.B., Adv. LL.M., LL.D.

Today, the 11th of September 2024

**The Police
(Inspector Keith Xerri)
vs
Sasa Cvetkovic**

Case No. 479/2023 AMT

The Court,

Having seen the charges against **Sasa Cvetkovic**, son of Ratimir and Natasa nee` Radosavjevic, born in Serbia on the 13th of November 1976 and holder of the residence permit with the number 0366837A, whereby he is being accused of having, on the 12th of May 2023, between hours of 00:05hrs and 00:30hrs, in Spinola Road, St. Julians, and/or in these islands:

1. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Mykhailo Yermakov as certified by Dr. John Bondin med reg. 4186 of Mater Dei Hospital;
2. On the same date, time, place and circumstances wilfully disturbed the public peace and order.

The Court was also requested, in case of a finding of guilty, to:

- i. Provide for the security of Mykhailo Yermakov in terms of articles 382A, 383, 384, 385 and 412C of Chapter 9 of the Laws of Malta
- ii. Condemn the accused for the payment of costs related to the appointment of experts or architects in the proceedings as contemplated in article 533 of Chapter 9 of the Laws of Malta
- iii. If it deems it appropriate, to order the offender to pay to the injured party an amount of money as may be established by the Court as compensation for that loss as mentioned or for any damage or offense or other damage suffered according to article 15A of Chapter 9 of the Laws of Malta.

Having heard all witnesses testify under oath;

Having seen all the acts and documents of the case;

Having heard, during the sitting held on the 11th of September 2024, the accused admit to all the charges brought against him even after the consequences of the guilty plea were explained to him and after the accused was given reasonable time to reconsider.

Considers;

Having heard the defendant plead guilty to all charges proffered against him, while duly assisted by his lawyer, the Court considers that all charges have been sufficiently proven and the accused is guilty of the same.

The Court has seen that on the 7th of August 2024 the parties filed a joint application in terms of article 392A(5) of Chapter 5 of the Laws of Malta, by means of which they declared that they reached an agreement that in the event that the accused pleads guilty to all the charges proffered against him, the punishment that should be awarded to him by this Court should consist of a term of two (2) years imprisonment suspended for a term of three (3) years, together with any other sanctions, expenses and consequences that are mandatorily prescribed by law upon conviction in terms of Chapter 9 of the Laws of Malta.

After having seen the charges proffered against the accused and his clean criminal record, and after taking into consideration the circumstances of the case including the accused's cooperation with the police in their investigation connected with this case, the Court considers that the punishment agreed to by the parties is suitable in light of the nature and circumstances of the case.

Decide

For these reasons the Court, after having seen articles 214, 216 and 338(dd) of Chapter 9 of the Laws of Malta, finds the accused guilty of all charges proffered against him and condemns him to two (2) years imprisonment which upon the application of article 28A of Chapter 9 of the Laws of Malta is being suspended for three (3) years.

The Court explained to the accused in ordinary language his liability under article 28B if during the operational period of the judgment he commits an offence punishable with imprisonment.

In terms of Article 382A of Chapter 9 of the Laws of Malta, the Court is issuing a Restraining Order against the accused for a period of three (3) years from today for the protection of Mykhailo Yermakov. The Court explained to the accused in plain language, his liabilities according to the conditions imposed by the Restraining Order, which decree is being attached to this judgement, forming an integral part of the same judgement.

In terms of article 533 of Chapter 9 of the Laws of Malta, the Court orders the accused to pay the sum of one thousand, one hundred, ninety seven euros and five cents (€1,197.05), representing with regards to the sum of four hundred and fifty eight euros and seven cents (€458.07) the costs associated with the appointment of the expert Jonathan Mizzi and as regards the sum of three hundred and ninety three euros and fifty seven cents (€393.57) the costs associated with the appointment of the medical expert Dr. Edward Basile Cherubino, and as regards to the sum of three hundred, forty five euros and forty one cents (€345.41)) the costs associated with the second appointment of the expert Jonathan Mizzi.

The Court orders that, in accordance with article 392A(2) of Chapter 9 of the Laws of Malta, the Attorney General is given access to a scanned copy of the acts of the proceedings and to a scanned copy of the judgment within six (6) working days.

Ann Marie Thake
Magistrate

Ylenia Spiteri
Deputy Registrar