



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**The Police
(Inspector Colin Sheldon)**

Vs

Nenad Stanojevic

Today, 30th September 2024

The Court,

After having considered the charges brought against **Nenad Stanojevic**, thirty nine (39) years of age, son of Jadran and Svetlana neè Nemed, born in Serbia on the 15th May 1985 and holder of Maltese Residence Card Number 126916A, with having on the 22nd September 2024 at 16:05hrs and times before at Sylvia, Flat 2, Triq San Luqa, Marsaskala:

1. Without the intent to kill or put the life of his partner in serious jeopardy, caused slight injuries on the person of his wife Marie-Bernice Stanojevic as certified by Dr. Matthew Buttigieg, Reg. No. 6739, at the Paola Health Centre, and this in breach of Sections 214, 215, 221(1), 222(1)(a) and 202(h)(i)(iv)(v) of Chapter 9 of the Laws of Malta;
2. Caused his wife Marie-Bernice Stanojevic to fear that violence will be used against her or her property or against the person or property of any of her ascendants, descendants, brothers or sisters or any person mentioned in Section 222(1) of Chapter 9 of the Laws of Malta, and this in breach of Sections 251(3), 251H(a)(d), 251HA, 222(1), 202(h)(i)(iv)(v) of Chapter 9 of the Laws of Malta;
3. Attempted to use force against his wife Marie-Bernice Stanojevic with intent to insult, annoy or hurt her or others, unless the fact constitutes some other defence under any other provision of this Code, and this in breach of Section 339(1)(d) of Chapter 9 of the Laws of Malta;
4. By means of an electronic communications network or apparatus, he threatened to commit a crime, or with intent to induce another person, his wife Marie-Bernice Stanojevic, to do or omit from doing anything or made any other improper use thereof, and this in breach of Section 49(a)(b)(c) of Chapter 399 of the Laws of Malta;
5. Uttered insults or threats at his wife Marie-Bernice Stanojevic not otherwise provided for in this Code, or if provoked, carried his insults beyond the limit warranted by the provocation, and this in breach of Section 339(1)(e) of Chapter 9 of the Laws of Malta;

After having considered the requests put forth by the Prosecution for the Court: (i) to provide for the security of Marie-Bernice Stanojevic by applying the requisites of Section 412C of Chapter 9 of the Laws of Malta; (ii) in case of guilt, to apply the requisites of Section 382A of Chapter 9 of the Laws of Malta; (iii) to issue a Treatment Order by applying the requisites of Section 412D of Chapter 9 of the Laws of Malta;

After having considered the documents submitted by the Prosecution, amongst which the Consent by the Attorney General in terms of Section 370(4) of Chapter 9 of the Laws of Malta, marked as Doc. "AX" to Doc. "J";

After having heard the accused declare that he has no objection to his case being dealt with summarily and replying that he is guilty of the charges brought against him, which guilty plea was reiterated by him after the Court explained to him the legal implications of his admission of guilt and gave him sufficient time to reconsider his position and withdraw his guilty plea;

After having heard submissions by the Prosecution and Defence Counsel regarding punishment;

After having considered the records of the proceedings;

Considers:

The accused is being charged with having on the 22nd September 2024 at 16:05hrs and times before at Sylvia, Flat 2, Triq San Luqa, Marsaskala: (1) Without the intent to kill or put the life of his partner in serious jeopardy, caused slight injuries on the person of his wife Marie-Bernice Stanojevic as certified by Dr. Matthew Buttigieg, Reg. No. 6739, at the Paola Health Centre, and this in breach of Sections 214, 215, 221(1), 222(1)(a) and 202(h)(i)(iv)(v) of Chapter 9 of the Laws of Malta; (2) Caused his wife Marie-Bernice Stanojevic to fear that violence will be used against her or her property or against the person or property of any of her ascendants, descendants, brothers or sisters or any person mentioned in Section 222(1) of Chapter 9 of the Laws of Malta, and this in breach of Sections 251(3), 251H(a)(d), 251HA, 222(1), 202(h)(i)(iv)(v) of Chapter 9 of the Laws of Malta; (3) Attempted to use force against his wife Marie-Bernice Stanojevic with intent to insult, annoy or hurt her or others, unless the fact constitutes some other defence under any other provision of this Code, and this in breach of Section 339(1)(d) of Chapter 9 of the Laws of Malta; (4) By means of an electronic communications network or apparatus, he threatened to commit a crime, or with intent to induce another person, his wife Marie-Bernice Stanojevic, to do or omit from doing anything or made any other improper use thereof, and this in breach of Section 49(a)(b)(c) of Chapter 399 of the Laws of Malta; (5) Uttered insults or threats at his wife Marie-Bernice Stanojevic not otherwise provided for in this Code, or if provoked, carried his insults beyond the limit warranted by the provocation, and this in breach of Section 339(1)(e) of Chapter 9 of the Laws of Malta.

He replied that he is guilty of the charges brought against him.

In view of the guilty plea by the accused, the Court is to find the said accused of the charges so brought against him.

For the purposes of punishment the Court took into account the gravity of the charges brought against the accused and which are being admitted by him but it also took into the account the fact that the accused has a clean Maltese Conviction Sheet and that he submitted a guilty plea at an early stage of the proceedings. It also took into account the fact that the

accused has an alcohol addiction problem and that the first, third, fourth and fifth charges brought against the accused are absorbed in the second charge brought against him.

Therefore, after considering Sections 31, 214, 215, 221(1), 222(1)(a), 251(1)(3), 251H(a)(d) and 339(1)(d)(e) of Chapter 9 of the Laws of Malta and Section 49(a)(b)(c) of Chapter 399 of the Laws of Malta, the Court finds the accused, upon his own admission, guilty of the charges brought against him and condemns him to twelve (12) months imprisonment however, since it deems that in this case there are sufficient reasons, namely the fact that the accused has submitted a guilty plea at an early stage of the proceedings and that he has a clean Maltese Conviction Sheet, which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta suspends, the said term of twelve (12) months imprisonment hereby imposed on the accused, for a period of two (2) years from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

For the purposes of monitoring of the accused and also for the accused to receive the necessary treatment for his alcohol addiction problem and for him to rehabilitate himself from said addiction and from the commission of crime in general, in terms of Section 28G of Chapter 9 of the Laws of Malta the Court is placing the accused under the supervision of a Supervising Officer for a period of two years (2) years from today and under the terms and conditions set out in a Decree which is being issued today and is being attached to this judgement and forms an integral part thereof.

In terms of Section 28G(4) of Chapter 9 of the Laws of Malta, the Court orders that a copy of this judgement and of the Decree setting out the terms and conditions for the Supervision Order being imposed on the accused, be served forthwith to the Director of Probation Services.

In terms of Section 28G(9) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language that if at any time while the Supervision Order being imposed upon him is in force it appears to the Court that made the order, on the written report of the supervising officer, that he has failed to comply with any of the requirements set out in the Decree for the issue of the Supervision Order, the Court shall cause him to be brought before it and if, after hearing him, is satisfied that such failure has occurred, it may, in serious or repeated cases order that the suspended sentence passed in this case by means of this judgement, shall have effect, or, without prejudice to the continuation of the order, impose on him a fine (*ammenda*) not exceeding €232.94.

Since during the proceedings it transpired that the accused has an alcohol addiction problem, the Court, in terms of Section 412D of Chapter 9 of the Laws of Malta, is placing the accused under a Treatment Order for a period of two (2) years from date of this judgment, which term can be revoked or extended for further terms as the case may be, and this for him to be given the necessary help and treatment to overcome his alcohol addiction problem. The Treatment Order under which the accused is being placed is subject to the conditions set out in the relative Decree issued today, which Decree also forms an integral part of this judgment.

The Court explained to the accused in ordinary language the effects of the Treatment Order under which he is being placed and that if at any time during the period that the Treatment

Order is in force he fails to comply with any of the requirements or conditions of the said Treatment Order, he may be subjected to the imposition of a fine (*ammenda*) not exceeding one thousand one hundred and sixty four Euro and sixty nine cents (€1,164.69).

In terms of Section 382A of Chapter 9 of the Laws of Malta the Court is further issuing a Restraining Order against the accused with regard to Marie-Bernice Stanojevic for a period of two (2) years from date of this judgement and this under the terms and conditions set out in a Decree issued today, which Decree is being attached to and forms an integral part of this judgement.

The Court explained to the accused in ordinary language that in terms of subsection (3) of Section 382A of Chapter 9 of the Laws of Malta, if without reasonable excuse he contravenes any prohibition or restriction imposed upon him by the Restraining Order issued against him today, he shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of seven thousand Euro (€7,000) or to imprisonment not exceeding two (2) years or to both such fine and imprisonment.

In terms of Sections 370(6) and 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that the Attorney General be granted access by electronic means to a scanned copy of the records of these proceedings, together with a scanned copy of this judgement and the Decrees regarding the Restraining Order, the Supervision Order and the Treatment Order imposed on the accused, within six (6) working days.

MAGISTRATE

DEPUTY REGISTRAR