



**Qorti tal-Magistrati (Malta)
Bhala Qorti ta' Gudikatura Kriminali**

Magistrat Dr. Yana Micallef Stafrace LL.D.

Pulizija

(Spettur Charlotte Curmi)

Vs

Mary Grace Zammit

Illum 4 ta' Novembru, 2024

Il-Qorti

Rat l-imputazzjonijet fil-konfront ta' Mary Grace Zammit, bint Salvatore u Paola nee Borg imwieled fil-06/10/1962 u joqghod Hilltop Crt, Fl 2, Triq San Pawl tal-Qliegħa, Mosta, ID 0636162M.

Billi int akkuzat talli fl-4 ta' Gunju, 2022 għall-habta ta' 19.30 hrs fi Triq id-Dejma, Zabbar soqt vettura b'numru ta' registrazzjoni MGR 610;

1. B'manjiera traskurata;
2. U b'nuqqas ta' hsieb u bi traskuragni jew b'nuqqas ta' hila fl-
arti jew professjoni jew b'nuqqas ta' tharis tar-regolamenti,

ikkagunajt hruq, jew ghamilt xi hsara jew hassart jew gharraqt xi haga, minhabba f'hekk Michelle Kesler batgha offiza gravi fuq il-persuna, minghajr il-konsegwenzi msemmin fl-artikolu 218 tal-Kapitolu 9 tal-Ligijiet ta' Malta skond kif iccertifika Dr. Maria Aquilina MD mill-MDH.

Il-Prosekuzzjoni titlob li tigi skwalifikat/a mill-licenzji kollha tieghek tas-sewqan.

Il-Qorti hija gentilment mitluba li f'kaz ta' htija minhabba li tinfliggi il-piena skont il-ligi, tnaqqas il-punti mill-licenzji tas-sewqan hekk kif stabbilit mill-L.S. 65.18 Art 36B u fil-65.18 Sitt Skeda.

Rat l-artikol u 226(1)(b) Kap 9 u art 15(1)(a)(2) tal-Kap 65 L.S. 65.18 Art 36B u fil-L.S. 65.18 Sitt Skeda tal-Ligijiet ta' Malta

Semghet ix-xhieda kollha prodotta mill-Prosekuzzjoni.

Semghet ix-xhieda tal-imputat.

Rat l-atti kollha u x-xhieda u dokumentazzjoni kollha prodotta.

Semghet it-trattazzjoni.

Ikkunsidrat

Ps 995 C Mangion u t-Tabiba Maria Aquilina xehdu permezz ta' affidavit

Michelle Kessler, xehdet hekk

Pros: Ms. Kessler you hd an accident?

Wit: Yes.

Pros: Can you explain what happened exactly?

Wit: Yes, I was walking my dog at around 7:00 PM.

Pros: We need the date, the time and the location?

Xhud: OK. It was the 4th of June 2022 around 7:00 PM at the roundabout right in front of the Bulebel Industrial.

Pros: Which locality?

Wit: The Bulebel Industrial and I was waiting at the pedestrian crossing to cross the street, which is split in two so you go over the first, then there's a middle aisle and then for the next part of the road and I was waiting on the first part with my dog there was a car that came rushing by, so waited and then the second car that was coming was coming slower and consistently slowing down, and I thought I made eye contact with the driver, so I started because she was slowing down I started walking and then it happened really fast I noticed that I realised that she wasn't going to stop so I pulled my dog behind me and the car hit me and I fell and broke my hand.

Pros: How long does it take you to recover?

Wit: To recover, I don't really know what counts as recover, like when, when they?

Court: Was it more than a month?

Wit: Yes.

Pros: You mentioned as she the driver was a she do you remember her?

Xhud: Yes.

Pros: Can you point it out?

Wit: Yes there.

Qorti: Ix-xhud indikat lil imputat.

Pros: I will show you a sketch and maybe you can illustrate in which part of the zebra cross you were and from which direction to which direction you were going?

Wit: So this is to Zabbar.

Pros: Can you please write it down an arrow with your initials? From which direction?

Qorti: Is that a zebra crossing or Pelican lines? Are the lights that regulate people crossing or is just a simple zebra crossing?

Wit: It's just a simple zebra crossing. So I was walking that way.

Pros: You were halfway?

Wit: Yeah, I was really halfway, pretty much exactly.

Pros: No further questions your honour.

Adv: Crossn examination, So you told us that you were walking with your dog and can you tell us the breed of your dog, please?

Wit: Ohh, she's a mixed breed, but kind of like Australian Cattle Dog Healthy.

Adv: OK, so would I be right in stating that it's not a small dog?

Wit: No. It's not.

Adv: It's a big dog. Shou?

Xhud: Yeah.

Adv: Am I right in stating as well that part of the injuries that you suffered according to the medical certificate as well you had injuries on your knees?

Wit: Yes, yes.

Adv: And you told us that it was in the evening when the accident happened at 7:00 pm?

Wit: Yes but bright daylight in June.

Adv: Would I be right in stating as well that before you started crossing the zebra crossing, at no point in time did you saw or make any eye contact with the driver?

Wit: Ohh, she was a couple of meters away crossing yeah.

Adv: And she was driving rather slowly you said you thought she was?

Wit: Yes she came at the normal speed and she was already slowing down because right after the crossing is also the roundabout.

Adv: So the speed were the speed of the vehicle was rather low?

Wit: Yeah.

Adv: Would I be right in stating that it was almost going into almost stationary?

Wit: No.

Adv: OK, very low, but not stationary?

Wit: No.

Adv: Jien m`ghandix izjed domandi.

Marygrace Zammit, xehdet hekk

Avu: Mela ara sinjura inti smajt il-Marija Kessler tixhed dwar l-incident l-ewwel nies dakinhar tal- incident inti minn fejn kont għadek kif ġejja jekk jogħġbok?

Xhud: Jien tlaqt mix-xogħol u kont sejra d dar imma kelli għagla ta' xejn.

Avu: U tinforma nara li l-qorti xogħol x`tagħmel jekk jogħġbok?

Xhud: Jiena naħdem bħala support worker ili nsuq 40 sena u qatt ma kelli dawn l-affarijiet.

Avu: U is-sapport worker ix-xogħol tieghek x`jinvolvi?

Xhud: Tip ta` Care Worker imma iktar intensive u anki insuq il-klijenti waqt ix-xoghol.

Avu: U l-klijenti tieghek allura jkunu nies?

Xhud: Diżabbli.

Avu: Nies diżabbli issa mela għeditilna li kont lestejt mix-xoghol kont sejra d dar u ma kellek għagla ta' xejn it-traffiku kif kien dakinhar li seħħ l-incident jew ftit qabel ma seħħ l-incident?

Xhud: It-traffiku kien għaddej b'mod normali imbagħad x`hin konna qed noqorbu lejn iż-żebra crossing islowja u jiena slowjajt ukoll.

Qorti: Għaliex islowjajt sinjura?

Xhud: Għax isslowja it-traffic.

Avu: Imbagħad din Marija Kessler rajtha ma rajthiex?

Xhud: Din rajtha ġejja fuq il-bankina fid-direzzjoni lejja face to face nħarsu lejn xulxin rajtha ġejja baqgħet ġejja x`hin waslet hdejn iz-zebra crossing ma għamlet l-ebda indikazzjoni li se taqsam u qabdet u qasmet f'daqqa.

Avu: U spjegat li kellha l-kelb magħha inti x`rajt dan il-kelb?

Xhud: Jiena rajt il-kelb bħal jiġbidha fil-fatt meta seħħ l impatt hija niżlet mal-art u fl-opinjoni tiegħi deherli li ġibidha il-kelb u niżlet għarkupptejha fl-art u idejha tax-xellugu l-karozza kienet fuq il-lemin.

- Avu: Issa spjegalna naqra mela lilha rajtha ġejja minn fuq il-bankina fid-direzzjoni opposta,
- Qorti: Għaddiet xi karozza qabel minn fuq iż-zebra crossing qabel ma qasmet hi?
- Xhud: Għaddiet karozza qabel imma ma niftakarx eżatti fi x'ħin I mean.
- Qorti: Ghax kemm ix-xhud qalet li hi kienet qed tistenna fuq iż-zebra crossing tistenna karozza tgħaddi mbagħad ġejt int, għalhekk qed insaqsik.
- Xhud: Jiena rajtha ġejja lilha u wasalna fuq iż-zebra,
- Qorti: Ghaliex qed tghid ahna ghax kelelk il xi haddiehor mieghek?
- Xhud: Le jġigifieri jiena u hi wasalna fl-istess ħin fuq fuq l-istess punt fejn sar l-incident.
- Qorti: Jġigifieri qed teskludi li għaddiet karozza qablek li din kellha tieqaf biex tgħaddi li s-sinjura kellha tieqaf biex tgħaddi l-karozza l-oħra hdejn iz-zebra crossing?
- Xhud: Jiena jidhirli li jiena u l-vittma wasalna 2 fl-istess ħin fuq dak il-punt li sar l-incident. Fl-istess ħin tal-incident.
- Avu: U allura spjegalna naqra mela inti għedt islowa bil-mod għax kien hemm it-traffiku quddiemek is-sinjorina l-oħra li kellha l-kelb rajtha fuq il-bankina tajjeb imbagħad x`għara il-qorti qed tghidilha wasalna fl-istess ħin l-istess post tal-impatt spjega naqra inti?

Xhud: Hi kienet miexja dehret li se tibqa' miexja fid-direzzjoni li kienet ġejja fiha u f'daqqa waħda daret u qasmet, jġigifieri kienet tidher li ħa tibqa' miexja ma kinitx tidher l-ebda indikazzjoni li se taqşam.

Avu: Jiena m'għandix iżjed domandi.

Pros: Inti semmejt diversi drabi slowja t-traffic. għalfejn slowja t-traffic?

Xhud: Kienet qed toqrob ħafna roundabout viċin ħafna.

Pros: Apparti r-roundabout x'hemm apparti roundabout. Hemm iz-zebra crossing?

Xhud: Iva.

Pros: Liema direzzjoni inti semmejt li inti u l-parte civile wasltu flimkien liema direzzjoni kienet miexja mela għaddejja?

Xhud: Hi kienet miexja ġejja minn naħa tar-roundabout lil hawn u jiena mixja lejn ir-roundabout.

Avu: Mexjin hux kontra kontra xulxin facing each other hux hekk?

Pros: L-iskizz juri mod ieħor.

Qorti: L-iskizz jurik the point of impact.

Avu: Pero ix-xhud stess qalet li rat il-karozza ġejja minna sinjal li kienet qed taraha faċċata tagħha kieku ma tarahiex.

Pros: Inti ghedt kieent miexja naha ohra allura kif sabet ruhha f'nofs iz-zebra cross, inti ghadek kif ghedt li hsibt li kienet miexja naha ohra.

Qorti: Kienet qed tigi minn faċċata whatever hasbet li ha tibqa' għaddejja u f'daqqa wahda hi taħseb li gibidha l-kelb marret għall fuq iz-zebra crossing.

Xhud: U ezatti kif wasalna f'dan il-punt hdejn xulxin qabdet u qasmet hi.

Pros: Allura il-karozza li kien hemm qablek għalfejn waqfet?

Avu: Waqfitx il-karozza lanqas ix-xhud ma qalilniex.

Qorti: Il-karozza ta qabel ix-xhud qalet jiena waqqaft ma stajtx naqsam ghax il-karozza ta qabel baqet ghadejja minn quddiemi ma cediliex meta rajt is-sinjura jiena ħarist lejha rajtha tisslowja u fhimt li fehmet li jiena ha naqsam piu o meno in suċċint dik hi issa x'inhil-istorja ezatt mhux ha nghid issa ovvja jien imma l-provi hekk. Qishom speċi ta' zewg verżjonijiet.

Pros: M'għandhiex mistoqsijiet.

Avu: Ara sinjura meta nżilt inti hawn jirriżulta li inti nżilt minn fuq il-vettura tiegħek u ovvjament stennejtu il-pulizija tigi fuq il-post inti lil din is-sinjura ghedtilha xi ħaġa x'hin inżid minn fuq il karozza?

Xhud: Irrabjajt magħha ghax qed tilqa' billi zebra crossing ma tistax taqbad u tiddeċiedi li taqsam mingħajr indikazzjoni ta' xejn mingħajr ma rajt lill karozza wieqfa jew so on.

Avu: Jigifieri inżilt u għajjat magħha dak il-ħin?

Xhud: Iva iva irrabjajt hafna ghax hasditni l-ewwel nett. Imma hafna.

Avu: M`ghandix izjed domandi.

Ikkunsidrat

Illi hemm kunflitt fil-verzjonijiet ta' Mary Grace Zammit u Michelle Kessler ta' kif sehh l-incident. Dan ifisser li ma jezistiex l-level ta' provi "beyond a reasonable doubt" rikjest fil-kamp kriminali u isegwi li l-imputazzjonjiet ma gewx ippruvati

Decide

Ghal dawn il-motivi wara li Rat l-artikoli 15(1)(a) (2) tal Kap 65 u Artikolu 226(1)(b) tal-Kap 9 LS 65.11 MVR75 L.S. 65.18 Art 36B u fil-L.S. 65.18 Sitt Skeda tal-Ligijiet ta' Malta.

ma ssibx lil Mary Grace Zammit hatja tal-imputazzjonji fil-konfront taghha u tilliberaha minn kull htija u piena.

**DR. YANA MICALLEF STAFRACE LL.D.
MAGISTRAT**

**Doris Serpina Sciberras
Deputat Registratur**