



**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**

Sangmin Lee

**02<sup>nd</sup> December 2024**

**The Court**

Having seen the charges against Sangmin Lee son of N/A born on the 22/02/1974 residing Fairview, Fl 07, Triq Sir Joseph Carbone, San Giljan, ID NO 0104702A.

As you have been charged with having on the 16<sup>th</sup> April, 2019 at about 07.00 in Triq Mikiel Ang. Borg, San Giljan drove vehicle KBV 501.

1. And through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of any regulation, caused any fire or any damage, spoil or injury, caused Yong Park grievous bodily harm with any of the

effects mentioned in article 218 of Chapter 9 of the Laws of Malta as certified by Dr. Chris Giordmaina MD of MDH.

2. And also drove the mentioned vehicle in an negligent manner;
3. And also drove the mentioned vehicle in a dangerous manner;
4. And also drove the mentioned vehicle in a reckless manner;
5. And also drove or attempted to drive or was in charge of the mentioned vehicle on the road or other public place when you were unfit to drive through drink and drugs;
6. Also, you drove, attempted to drive or was in charge of mentioned vehicle on the road or other public place after consuming so much alcohol that the proportion of it in your breath, blood or urine exceeded the prescribed limit. (0.70.2 $\mu$ g/100ml).
7. Moreover through imprudence, negligence and unskillfulness in your art or profession, and non observance of the motor vehicle regulations, collided in vehicle with registration no LCN 237 and caused involuntary damaged to the detriment of Clint Christ Mifsud;
8. Moreover through imprudence, negligence and unskillfulness in your art or profession, and non observance of the motor vehicle regulations, collided in vehicle with registration no KBP 561 and caused involuntary damaged to the detriment of Nadia Debono;
9. Moreover through imprudence, negligence and unskillfulness in your art or profession, and non observance of the motor vehicle regulations, collided in vehicle with registration no CBO 358 and caused involuntary damaged to the detriment of Colette Cumbo.

The 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.L. 65.18 Art 36B and in S.L. 65.18 Sixth Schedule.

Having seen Articles 328(b) 328(d) of Chap 9 and Articles 15(1)(a)(2) 15A 15B of Chap 65 of the laws of Malta

Having seen all the witnesses produced by the prosecution

Having seen that the accused chose not to testify

Having seen all the documents, testimony and evidence in the proceedings

Having seen the Oral submissions

### **Considerations of this court**

**Ps 850 S Micallef and PS 211 MVella** gave evidence by affidavit

**Dr Christopher Giordimaina** gave evidence by affidavit

**Colette Cumbo**, testified :

Pros: Mrs. Cumbo did you report a car accident?

Wit: No I did not report a car accident I was called by the police to tell me that somebody had knocked my car I was away walking i went for my walk and by the time I came back to where my car was parked there were the civil protection and there were police and obviously there was an accident.

Pros: What is your numberplate of your car?

Wit: Number plate of that car

Pros: Your,

Wit: That car in the accident was written off that was the number was CBO 358.

Pros: And what damages your car sustained?

Wit: I don't understand exactly what it was but I was told that it was not a financially viable to get,

Court: Beyond the economical repair,

Wit: Ok that's the word.

Court: It was more expensive than the value to fix it.

Wit: Absolutely correct that's right.

Pros: So you confirm that you did not see the accident happen.

Wit: No I did not see the accident happen.

Pros: I don't have any further questions.

Adv: Just one question although they told you that your vehicle was written off did you receive a form of compensation from a rear insurance.

Wit: I got the worth of my vehicle on the insurance books.

Court: So you were comprehensively insured from your own insurance paid you?

Wit: Yes yes absolutely.

Court: Thank you.

### **Considerations of this court**

There is no evidence to the degree required in a Criminal court that the accused was involved in this accident. There is no evidence as to what kind of caution he was given by the Police before any declaration he may have made to the Police. Therefore the level of evidence is not beyond reasonable doubt and therefore the accused cannot be found guilty of any of the charges.

**Decide**

For these reasons and after having seen Articles 328(b) 328(d) of Chap 9 and Articles 15(1)(a)(2) 15A 15B of Chap 65 of the laws of Malta the accused Sangmin Lee is not guilty of the charges.

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

**Magistrate**

**Doris Serpina Sciberras**

**Deputy Registrar**