



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

Magistrate Dr. Leonard Caruana LL.D., M.A. (Fin. Serv)

**Application of the Probation Officer Odelsie Vella Bayliss
In accordance with Article 21 of Cap. 446 of the Laws of Malta in the
act of the case:**

The Police
(Inspector Francesca Calleja)

Vs

Igor Leweski
(Holder of Polish Passport No. EK7561313)

Today, the 16th December 2024;

The Court,

Having seen the application of Probation Officer Odelsie Vella Bayliss of the 2nd December 2024 in terms of Article 21 of Cap.446 of the Laws of Malta, whereby after having admitted that the probationer failed to keep in contact with the Probation Officer in accordance with the directives given to him, asked this Court to take such measures as it deems fit and opportune.

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Having seen the judgement of this Court dated the 10th April 2024 wherein the Court, after having seen Article 7(1) of Cap. 446 of the Laws of Malta, placed him under a Probation Order for a period of one year to be reckoned from the date of the judgement;

Having seen the Decree of this Court of the 10th April 2024 which decree contains the conditions imposed on the Probationer;

Having seen Article 21 of the Probation Act;

Having heard the evidence;

Considered;

That from the testimony of the probation officer Odelsie Vella Bayliss it results that the probationer failed to make contact with her notwithstanding the fact that the office sent various letters to the probationer. It results that the probation officer Odelsie Vella Bayliss was given this case in August 2024 and since then, there was no contact with the probationer.

She explained that it is on this basis that the Probation Officer submitted the present application. The Probation Officer also states that she did not have his mobile phone number or email address and therefore had no means of communicating with him.

The Court also heard that the probationer never received any letter from the probation office and that he has no letterbox at his residence. The Court heard that he is willing to co-operate with the department and to adhere to the probation conditions.

Considered;

That the Court heard that the Probation Office makes its first communication with the probationers via postal letters. It does not appear that these letters are sent via registered mail. Therefore, although the Probation Office would have proof that it sent the letters to the probationer,

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it gathers no proof that these letters would actually have been received by the probationer, especially in this case since it results that he has no functional letterbox.

Moreover, when asked whether she tried contacting the probationer via mobile phone, the Probation Officer stated that she did not have his contact number. The Court cannot understand this statement as it is clear from the verbale of the 10th April 2024 that the probationer declared his mobile phone number purposely for the Probation Office's use, which verbale was forwarded to the Probation Office together with the Court's decree.

The Court also notes, however, that although the probation order was given on the 10th April 2024, the file was assigned to a probation officer in August, 4 months after the date of judgement, thus one third of the probation period has been lost uselessly.

Considered;

That it is clear from the facts of this application that the lack of contact between the probationer and the Probation Office was the result of ill-communication primarily from the Probations Office's side. Therefore, the Court cannot find that the probationer failed to comply with any of the conditions imposed on him by the 10th April 2024 Decree.

Therefore, on the basis of the above, the Court finds that the application of the Probation Officer Odelsie Vella Bayliss is not justified and therefore rejects the application. The Probation Order remains unchanged.

Ft.Dr. Leonard Caruana B.A., LL.D., M.A (Fin. Serv)
Magistrate

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Sharonne Borg
Deputy Registrar