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

## Magistrat Dr. Yana Micallef Stafrace LL.D.

Pulizija

(Spettur Diane Vella)

Vs

Jason Schembri

Illum 7 ta' April, 2025

Il-Qorti;

Rat l-imputazzjonijet fil-konfront ta'

Jason Schembri bin George u Dana Carol nee Bezzina imwieled fil-17/12/1995 u joqghod 12, Goldwing, Triq il-Konventwali, San Pawl il-Bahar. ID 22296M.

Billi int akkuzat talli fit-15 ta' Gunju, 2021 ghall-habta ta' 18.10 hrs fi Triq Dolmen kantuniera ma' Triq il-Merluzz, San Pawl il-Bahar soqt vettura b'numru ta' registrazzjoni KQZ 499;

1. B'manjiera traskurata;
2. U aktar meta b'nuqqas ta' hsieb u bi traskuragni jew b'nuqqas ta' hila fl-arti jew professjoni jew b'nuqqas ta' tharis tar-regolamenti tat-traffiku, hbatt ma' vettura nru. LAU099 u involontarjament ikkagunajt hsarat ghad-dannu ta' Michael Bugeja;
3. U b'nuqqas ta' hsieb u bi traskuragni jew b'nuqqas ta' hila fl-arti jew professjoni jew b'nuqqas ta' tharis tar-regolamenti tat-traffiku, hbatt ma' vettura nru. ABV 968 u involontarjament ikkagunajt hsarat ghad-dannu ta' Paul Galea.

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-artikolu 328 ( d)tal-Kap 9 u art 15(1)( a) (2) (3)tal-Kap 65 fil-L.S. 65.18Art 36(B) u fil-LS65.18 Sitt Skeda tal-Ligijiet ta' Malta

Rat ix-xhieda kollha prodotta mill-Prosekuzzjoni.

Rat ix-xhieda tal-imputat.

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

Rat il-proces-verbal u l-konferma tan-nomina tal-esperti fl-4 ta' Ottubru 2022.

Semghet it-trattazjoni.

**Ikkunsidrat**

**L-Ispettur Ryan Vella** xehed permezz ta' affidavit

**Doris Serpina** ezebiet il-Proces-Verbal

**Sarah Galea, xehdet hekk**

Xhud: Iva nahlef, Mela jiena kont qeghda x-xoghol meta gara l-kaz.

Pros: Meta u fejn sinjorina?

Xhud: Triq id-Dolmen Bugibba f`Gunju tat-2021 u cemplu lil papa` li l-karozza tieghi kienet,

Pros: X`jismu please?

Xhud: Paul Galea,

Qorti: Il-karozza ta` min hi?

Xhud: Il-karozza qeghda fuq Paul Galea imma insuqha jiena.

Qorti: Min hallas id-danni jekk kien hemm danni?

Xhud: Ghadhom ma thallsux id-danni ghax ghadha,

Qorti: Imma min ha jhallashom?

Xhud: Jiena kont ipparkjata,

Avu: L-insurance fuq min qeghda?

Xhud: L-insurance ta` dil-karozza min hu l-insured?

Qorti: Min?

Xhud: Fuq Paul Galea.

Pros: X`qalulek inti imma?

Xhud: Jiena qaluli li l-karozza tieghi kienet intlaqtet u biex nohorgu barra.

Pros: X`sibt inti sinjura?

Xhud: Jiena ghandi l-karozza milquta u qed nistenna biex insewwi ghax l-insurance qaluli jekk ma tinqatax il-kawza.

Pros: Dawk x`inhuma li ghandek f`idejk?

Xhud: Ir-ritratti tal-hsara tal-karozza.

Qorti: Haddthom int?

Xhud: Dak in-nhar tal-incident u ricenti.

Pros: Spjegalna x`hemm sinjura?

Xhud: Il-mutur u l-karozza.

Qorti: U meta ittiehdu dawn?

Xhud: Dak in-nhar tal-accident.

Qorti: Il-mutur li sibt fil-vettura tieghek taf-x`numru kellhu KQZ 449 sorry KQZ 499 u l-pulizija gabruli statement tieghi dak in-nhar imma jiena ma rajt xejn u qaluli li ha nkun ha nisma minn naha taghhom.

Pros: Rajt xi haga ohra meta mort?

Xhud: Le.

Qorti: Inti l-incident ma rajtux hux hekk?

Xhud: Le le le jiena jus ta rajt il-mutur gol-vettura u l-persuna mal-art.

Pros: Qed tarafha il-persuna?

Xhud: Iva hemmekk.

Qorti: Ix-xhud indikat lil imputat.

Pros: Igifieri dik il-persuna kienet ma l-art?

Xhud: Kienet ma l-art mixhuta.

Pros: Kellha xi crash helmet sinjura?

Xhud: Iva.

Pros: U kienet fl-akkwata tal-mutur?

Xhud: Kienet ma l-art fit-triq.

Qorti: Ok.

Avu: Igifeiri kien imwegga ma l-art dan biex nifthemu?

Xhud: Ezatt.

Avu: U apaprti l-mutur ghax inti semmejt uzajt il-kelma accident kien hemm persuna nghidlek sew kien hemm karozza ukoll li qeghda wieqfa hemmekk?

Xhud: Imma jiena l-karozza ma rajtiex I mena rajtha wieqfa imma,

Avu: Mhux hekk rajtha wieqfa u ma rajtx l-accident inti just tafli kien hemm karozza kien hemm mutur li ghall xi raguni jew ohra li inti ma tafx ghax ma kontx hemm mess mal-karozza tieghek u qed tilmenta ghax ghandek il-hsara u rajt dar-ragel mixhut ma l-art imwegga?

Xhud: Ezatt ezatt.

Avu: Grazzi.

**<u>Paul Galea, xehed hekk :</u>**

pros: Sur Galea inti kellmuk il-pulizija fuq xi haga?

Xhud: Jien kien wara nofs in-nhar dak in-nhar tal-incident u cempluli l-pulizija jew surgent,

Pros: Tiftakar meta kien?

Xhud: Le qalli dan in-numru tal-karozza tieghek?

Pros: U x`inhu n-numru?

Xhud: EBB 968 Mazda 2 u qalli tista tigi daqxejn qalli ghax sar accident laqtulek il-karozza u jiena il-karozza kienet it-tifla biha ghax xoghol cempilt lit-tifla u harget mix-xoghol kemm taqsam it-triq daqsekk ma nafx xejn x`gara iktar.

Pros: Kont rajtha wara l-karozza jew le?

Xhud: Wara iwa damet 24 siegha hemmekkk ghax hallewna insuquha.

Pros: U x`kellha l-karozza?

Xhud: Ghandha ir-running board milqut.

Qorti: GHandek xi stima sinjur?

Xhud: Suppost illi mar is-surveyor il-ghaliex ir-rapport,

Qorti: X`surveyor mar?

Xhud: Ta` Gasan Mamo tal-insurance.

Qorti: Igifieri jekk hemm surveyor ghandhom huma?

Xhud: Uuu zgur imma ma riedux ituwielna habba il-kawza qalulna.

Pros: M`ghandix iktar mistoqsijiet.

Avu: Ma tafx spejjez hemm hux hekk?

Xhud: Le ma nafx.

Avu: U inti l-hsara fuq il-post tal-accident int ma rajtiex rajtha umbaghad meta gabuha lura d-dar?

Xhud: Ezatt.

Avu: Kollox sew, l-accident ma rajt xejn naturalment?

Xhud: Le lanqas rajt xejn jien kont id-dar il-Mellieha u l-accident sar Bugibba.

Avu: Garzzi.

**<u>Michael Bugeja xehed hekk</u>**

Qorti:

Qorti: Mela x`gara, kellek xi karozza li kellmuk fuqha l-pulizija xi incident?

Xhud: Jiena l-karozza hi tieghi imma jiena fl-incident ma kontx imdahhal.

Pros: X`number plate ghandha sinjur?

Xhud: LAU 099.

Pros: Taf meta gara l-incident u fejn?

Xhud: Bugibba imma id-data ma nafiex.

Pros: U x`garalha l-karozza tieghek?

Xhud: Kellha l-hsara ghandi hawn kollox insurance quddiem,

Pros: Dak ir-ritratt min hadu sinjur?

Xhud: Ir-ritratt tal-hsara ghandi 6.

Pros: Min hadhom sinjur dawk?

Xhud: Nahseb it-tifla kienet involuta fl-incident.

Qorti: Le jekk ma haddthomx inti ma nistax inzommhom.

Xhud: Jien sinjura ma kont involut f`xejn, jien kont 100 mil barra minn Malta ghax nahdem sajjied, fl-incident ma kontx imdahhal jien just ghandi l-karozza fuqi fuq ismi.

Pros: X`qed torina hemmekk x`ghandek iktar?

Xhud: Il-hsara.

Qorti: Ghandek xi dokument li juri l-hsara?

Xhud: Dawn ara, sinjura ma nafx naqra ma nafx liema hi.

Qorti: Mela ghandna 1,2,3 stimi dawn ghadhom ma thallsux?

Xhud: Imhallsin.

Qorti: Mela 3 ricevuti.

Avu: Min hallashom?

Xhud: Jiena.

Avu: Jew it-tifla?

Xhud: Jiena hallasthom ghax il-karozza fuqi, it-tifla hallsithom u jien tajtha l-flus mhux nigi li hallasthom.

**<u>Nicole Schembri, xehdet hekk</u>**

Pros: Sinjorina inti kont involuta f`xi incident?

Xhud: Iva kont passiggiera misjuqa minn Laura Bugeja.

Qorti: X`gara please?

Xhud: Laura kienet qed isuq fit-triq tad-Dolmen,

Pros: Meta u fejn?

Xhud: Fil-15 ta` Gunju fitriq tad-Dolmen 2021, meta f`daqqa wahda mid-direzzjoni opposta gie mutur b`velocita qawwija baqa` diehel go Laura. Laura waqfet hrigna mil-karozza is-sewwieq tal-mutur kien ma l-art jiena u kien hemm mara ohra fit-triq bdejna nghidulu biex ma jiccaqlaqx sakemm giet l-ambulanza.

Pros: It-triq li kontu mexjin fiha tista tispjegalna ezatt x`tip ta triq kienet?

Xhdu: It-triq tad-Dolmen tigi qisgha,

Pros: Kemm il-lanes kien fiha per ezempju?

Xhud: Nahseb marki ma l-art m`hemmx fit-triq imma,

Pros: Lanes kmm il-lane fiha?

Xhud: Joqghodu gixx karozzi fiha it-triq.

Pros: Jaghddu zewg karozzi?

Xhud: Iva.

Pros: Issa mil-liem adirezzjoni jaghddu l-karozzi?

Xhud: Opposti jaghddu opposti ta xulxin 2 way it-triq.

Pros: U intom int kont passiggiera kontu hergin jew dehlin mil-Qawra?

Xhud: Ma tantx naf il-post nghidlek id-dritt konnha telghin gifieri,

Pros: Lejn fejn kontu sejrin?

Xhud: Lejn id-Dolmen.

Pros: Il-mutur liem naha kien gej?

Xhud: Kien niezel l`isfel il-mutur il-kontra.

Pros: U mil-liema side gie il-mutur?

Xhud: It-triq qisgha qeghda hekk sewwa kien gej minn din naha.

Qorti: Sketch hawn ghax hemm u hawn ma nifhimx.

Pros: Inti issuq?

Xhud: Iva.

Pros: Min fejn kien gej il-mutur?

Xhud: Ara ahna konnnha Laura kienet qed issuq sewwa thares il-quddiem Laura kienet qed izzom man=naha tax-xellug tat-triq issa hu kien gej it-triq tigi qisgha liwja sewwa minn gol-liwja kien gej hu.

Pros: Igifieri mhux min-naha taghkom hu kien gej l-istess kurrent?

Xhud: Le kien gej mil-liwa ghax it-triq mhujiex dritta.

Pros: M`ghandix iktar mistoqsijiet.

Avu: Mela ejja npinguha daqxejn ahjar l-istorja mela inti u Laura kontu gejjin mit-triq tax-xatt biex nifhemu taqbel mieghi?

Xhud: Iva.

Avu: Sewwa, kif wasaltu fejn hemm l-extension tal-bini tad-Dolmen dortu fuq ix-xellug qisgha telgha?

Xhud: Naqra qabel kien naqra qabel konnha ghadna wasalniex fejn id-Dolmen.

Avu: Iva granted granted mela dortu fuq ix-xellug biex titilghu il-fuq lejn id-direzzjoni tar-roundabout tad-Dolmen?

Xhud: Iva.

Avu: Hemmekk it-triq qeghda ftit ghat-telgha taqbel?

Xhud: Iva.

Avu: Umbaghad f`mument minnhom kif tasal hdejn ir-roundabout kwazi minflok tmur mar-roundabout tad-Dolmen tista tikser jekk gejja bil-karozza taghkom lejn il-lemin?

Xhud: Iva.

Avu: Intom kontu sejrin lejn il-lemin?

Xhud: Jiena naf li Laura kienet qed issuq dritta jien minix is-sewwieqa tal-karozza.

Avu: Iva imma fejn kontu sejrin taf, ma kontux sejrin il-lukanda?

Xhud: Le ma konniex sejrin il-lukanda.

Avu: Mela la ma kontu sejrin il-lukanda peress li hemmekk fejn hemm ir-roundabout il-lukanda biss hemm taqbel mieghi li kontu sejrin mhux lejn il-lukanda?

Xhud: Laura dak il-hin bdiet tfittex parking igifieri jekk kienetx ha ddur mar-roundabout jew tibqa sejra dritt hi tista tghid ezatt.

Avu: Mela mar-roundabout fejn jieqfu it-Taxis m`hemmx parking igifieri dritt kienet sejra hux hekk?

Xhud: Tista ddur biex tinzel l`isfel hi l-iktar li tista tirrispondi dil-haga ghax jien.

Avu: Igifieri inti ma tafx fejn kienet sejra Laura?

Xhud: Jiena naf bdejna infittxu parking dik il-bicca tat-triq,

Avu: Fejn kontu sejrin kurzita?

Xhud: Hemm restorant max-xatt.

Avu: Kontu sejrin tieklu?

Xhud: Iva.

Avu: Sewwa, mela f`dik il-parti ara taqbilx mieghi li fil-verita Laura kienet diga qabzitha id-dawra lejn ir-roundabout?

Xhud: Le ta naqra iktar qabel kienet.

Avu: Hares naqra lejn dik-il google image tidher il-liwja minn naha ta` fuq il-liwja biss tidher filfatt ghax it-triq minn fejn gejjin minn hemmekk ma tidhirx u tidher ir-roundabout issa ara taqbilx mieghi imma hemmekk dit-triq li tidhol ghar-roundabout, ir-roundabout hija kbira goffa tal-lukanda dik il-bicca trejqa hemmekk Lura hemmekk kienet diga kif ghedtilna int stess ghax hu gie mil-liwja ghedtilna mela jekk gie mil-liwja kienet qabzitha id-dahla tar-roundabout?

Xhud: Le ma kienetx nista nappnta imma ma tantx tidher,

Qorti: Jekk torih il-pjanta tal-perit jidher car.

Avu: Mela hares naqra fejn ghandek rectangle bl-ahmar liqeghda indikata bhala LAU 099 ok qegdha ipparkjata man-naha tax-xellug tal-karreggata qed taraha sinjura?

Xhud: Iva.

Avu: Ara ha nibdew minn hawnekk ara taqbilx mieghi li fejn qeghda il-karozza mhux fejn sehh l-incident taqbel mieghi?

Xhud: Fejn sehh l-incident taa gahx Laura brejkjat dak il-hin u hrigna mil-karozza.

Avu: Igifieri Laura kienet qe issuq inkaxxata mal-bankina hekk qed tghidilna?

Xhud: Iva ta ma ccaqilqitx il-karozza.

Avu: Ma ccaqilqitx il-karozza, are you sure of what you`re saying?

Xhud: Iva ta.

Qorti: Hi ibbrejkjat u sehh l-incident jew sehh l-incident u brejkjat?

Xhud: Sehh l-incident u brejkjat.

Avu: Mela ha nurik kif qed tghid il-Qorti il-point of impact f`dik il-pjanta u hares naqra fejn hemm id-debris tal-plastik tal-mutur indikat mil-Perit li jidher sahansitra fil-karreggata tal-mutur issa qed nitkellmu araha naqra fejn qieghed?

Xhud: Mhux il-pizez u fejn taret il-kaxxa tad-delivery kien?

Xhud: Iva,

Avu: Rajthom ara taqbilx mieghi li fil-verita l`hemmekk kien l-impatt u mhux certament fejn qeghda ipparkjata inkaxxata mal-bankina il-karozza ta Laura? Inti tiftakar li wara l-impatt Laura gibdet mal-genb biex ma tibqax fin-nofs?

Xhud: Le ta ma gibditx mal-genb issa forsi sakem brejkjat taf kif ikun hemm dik ic-certu ftit distanza tal-brejk imma ma niftakariex li gibdet mal-genb.

Avu: Ma tiftakariex li gibdet mal-genb, ok u wara li gew il-pulizija u nies u l-esperti caqilqitha il-karozza?

Xhud: Le il-pulizija qalulha biex ma ccaqlaqiex filfatt.

Avu: U il-boyfriend taghha kien hemm?

Xhud: Cemplitlu wara l-accident u gie.

Avu: Qabel ma telqu il-pulizija kien ghadu hemmhux?

Xhud: Il-pulizija damu hemm.

Qorti: Fil-karozza min kien hemm?

Xhud: Jien u Laura.

Avu: Il-persuna li kien midrub kien gahdu ma l-art meta gie l-boyfriend?

Xhud: Minix certa.

Avu: Kienu ghadu spiccatx l-incident kien ghad hemm in-nies?

Xhud: Niex kien hemm imma minix certa kien ghadx hemm dak midrub ma l-art.

Avu: Kurzita ghalfejn hadd ma semmiegh il-boyfriend lil pulizija u lil espert?

Xhud: Ghax ma kienx waqt l-accident cemplitlu wara li sar l-acccident.

Avu: Ok kien hemm nies ohra li gew imsejjha wara l-incident fosthom il-papa` sorry fosthom il-persuna li dahhlu fih fil-larozza fosthom missier Laura and so on, ghalfejn haddma semmiegh dar-ragel?

Xhud: Ghax ma nafx uu ma kiex xhud tal-post dan qisek tahbat u ccemple lil dak li jkun u tghidlu li hbatt.

Avu: U fejn kien hu?

Xhud: Ix-xoghol.

Avu: U x-xoghol huwa?

Xhud: Ma nafx x`jahdem.

Avu: Daqsekk sinjur.

**<u>Wendy Newman,  xehdet hekk</u>**

Pros: Ms. Newman did you see any incident?

Wit: I didn’t see any accidents the accident happened he landed in front of my car and the victim of the bike landed in front of my car.

Pros: What car was it?

Wit: What car I had Peugeot 308 at that time.

Pros: What was the number plate?

Wit: I don’t remember of that car now, as I turned into the road I heard a scream.

Pros: When was it and where?

Wit: I don’t remember of the Hotel on the corner of the Hotel.

Pros: Which locality?

Wit: In Bugibba or Qawra so from the seafront I turned right up to the road I`m not sure it was called Domen or something a big Hotel which was on the left and I was just turning … … … and its there that happened I saw the body of the motorcyclist on the road.

Pros: You were driving on which side of the road?

Wit: I was turning right into the road.

Court: You were on the left?

Wit: Yeah yeah I was turning it was quite a wide road.

Court: And you found this person on the left in front of you when you turned the road?

Wit: He was in front of me so as I turned to the road I would say his body was being in the middle of the road, from I can remember now of the accident and then I just stopped I parked my car to the left and I went to him I was the first person that I get to him I held him in the same position he landed so he did not move because I was obviously he was in a lot of pain and as I was holding him the driver of the car she the driver of the car she moved up a bit already from the accident so I was already near the body when she came and then she came down and she held his head and I told her not to take the helmet off because of … … … to keep the helmet on and leave it to the paramedics so she said that she knew not to take it off I`m sure that she told me that she was a nurse so she didn't need to she knew not to take it off and then somebody I heard call the paramedics at the time … … … … position because she said that it was a one way she went up in she said ooh my god I taught it was a one way at the time she was holding his head the bike was still running I was I`m shouting somebody please try and turn the bike off cause it was still running and then I just waited for the paramedics come from then.

Pros: So the bike was in front of you?

Wit: It was to the right side of me it was to right side of th body he was the bike over here against the car.

Pros: And the other car which side was it?

Wit: She moved up to the Hotel got like a turning point in it so she`d pulled away and parked away, away from where the accident happened. The car it hit the motorbike had moved as I went to the body it was up round as it was going to the Hotel when I saw the car it was like to the left.

Pros: Do you remember on which part the accident happened?

Wit: Noo I didn’t see the accident just the body on the floor.

Pros: No further questions.

Court: Cross.

Adv: So do you know th names of the roads?

Wit: OOhh I`m sorry I don’t know?

Court: Were you coming from the coast?

Wot: I was coming from the coast from Bugibba away from Bugibba square so I was coming up and I turned right and there`s like lane that you go on the left and the lane comes on the left and I turned into the right and I saw the accident.

Adv: You were driving towards the Strand the Bugibba Strand the?

Wit: No no I come from Bugibba way and I so I had cross over the road to turn right I turned right into the road.

Court: From the coast?

Wit: From the coast road yes.

Adv: From the coast going up towards Dolmen Hotel?

Wit: Yes an di turned right.

Adv: And you`re saying that the bike was in front of you driving in front of you?

Wit: No no no he wasn’t in front he was on the floor when the accident it happened.

Adv: Ok I misunderstood, ok understood so the moment you came from the coast road lets call it that and you took a right went up a little bit of a hill and you found the motorcyclist on the floor?

Wit: Yes.

Adv: Ok so you didn’t see the impact or anything?

Wit: No no.

Adv: Ok but then you said something that the vehicle moved a bit upwards did I understand correctly?

Wit: Yes yes I got hin before she did she just moved up his body was,

Adv: So she moved the car?

Wit: Yes yes yes she moved a bit.

Adv: So when you arrived and the motorcyclist was on the floor you noticed that this vehicle do you remember the color can I suggest that it was like a dark red maroon?

Wit: To be honest I don’t remember I have on my phone.

Adv: But you remember it was the car involved in the accident?

Wit: Yes.

Adv: And you saw the driver of this vehicle who you remember it was a she because I heard you say it?

Wit: Yes yes.

Adv: That moved the car upwards?

Wit: Yes.

Adv: Do you remember she moved the car upwards and to the side?

Wit: Yeah she pulled in there`s an entrance to the Hotel she pulled up and just slightly to the left.

Adv: Were the police there in that point on time?

Wit: No because it just happened.

Adv: Thank you very much.

**<u>Jason Schembri, xehed hekk</u>**

Avu: Mela Jason ilu ftit issa ghalaqna 3 snin 15 ta` Gunju 2021 int kont involut f`incident ghidilna naqra x`garalek?

Xhud: Mela jiena kont naħdem ma' Dominos mort għax-xogħol fil-5.00 ta` fil-ghaxija u ħriġt biex inqassam delivery. Kont nieżel minn triq il-Merluzz il-Qawra. U kif kont nieżel fit-triq kont qiegħed man-naħa tax-xellug.

Qorti: Jigifieri inti kont fuq mutur?

Xhud: Kont fuq motor iva, kont qiegħed fuq in-naħa tax-xellug fejn suppost is-suq hekk kif ġejt biex nikser sibt il-karozza LAU 099 ma' wiċċi, jiġifieri.

Avu: Mela ħalli nigwidah ftit mela inti kont b'mutur kif staqsiet jekk il-Qorti u kkonfermat bil-mutur tax-xogħol?

Xhud: Iva.

Avu: U Kont triq il-Merluzz Qawra San Pawl il-Baħar it-triq kif inhi hemmhekk jekk jogħġbok Jason?

Xhud: It-triq qiegħda hemm blind corner ġo fiha għan-niżla u l-karozzi li jitilgħu suppost iżommu man-naħa tax-xellug.

Avu: Mela int kont għax semmejt niżla int kont nieżel jew tiela'?

Xhud: Mela jien kont nieżel.

Qorti: Mela int kont fuq ix-xellug tiegħek?

Xhud: Fuq ix-xellug tieghi.

Qorti: U min tielgha suppost jibqa fuq ix-xellug tieghu?

Xhud: Ezatti.

Avu: U x`gara ezatt ghedtilna sibt LAU 099 ma wiccek iva?

Xhud: Kienet qeghda ezatt gol-blind corner fuq in-naħa li mhux suppost.

Avu: Jiġifieri LAU mil-liema triq ġiet?

Xhud: Ġiet mit-triq prinċipali tal-Qawra.

Avu: Taf x' jisimha triq prinċipali?

Xhud: Hemm Dawret il-Qawra tax-xatt.

Qorti: U dahal ghall got-triq ghall-fejn kont niezel int biex nifthemu?

Xhud: Iva.

Avu: Mela inti kont niezel triq il-Merluzz biex tidhol f`Dawret il-Qawra un LAU minn Dawret il-Qawra dahlet f`triq il-Merluzz?

Xhud: Sewwa, Imbagħad ifhimni seħħ l-impatt daħlet ġo fija u nsib ruħi mal-art, jiġifieri.

Avu: Fil-mument ta' l-impatt int bil-mutur fejn kont?

Xhud: Jiena kont eżatt ġol-blind corner u hemm tappiera għax eżatt hemmhekk seħħ l-accident.

Avu: Int ghandek xi ritratti wkoll Jasonoħroġhom ftit ħalli anke nifhmu flimkien Please.

Qorti: Kien hemm xi ħaġa id-Dolmen.

Avu: Vicin id-Dolmen. Mela Jason semmejt tappiera x'ritratt għandek hemm hekk u spjegalna nara kif ġraw l-affarijiet, imma spjegalna naraw urina ir-ritratt u għidilna x'jidher fih?

Xhud: Mela hawnhekk għandi r-ritratti tal-accident.

Avu: Ha jesebihom iva sinjura hemmhekk.

Qorti: Dak min hadhom ir-ritratti?

Xhud: Kollega tieghi tax-xoghol.

Qorti: Ha jikkonfermhom imma bil-gurament dan ghax ikollna il-problemi?

Avu: Kif gew ghandek?

Xhud: Jiena wara li joperawni u hekk, jiġifieri kien kien bagħathomli kollega tiegħi bil-mowbajl

Avu: Ha jitkellem fuqhom għax hu kien hemmhekk fl-aħħar mill-aħħar.

Qorti: Ma jistax jitkellem fuq ir-ritratt jekk mhux konfermati bil-ġurament ta' avukat, ma jistax jikkonfermahom ghax mhux hu ħadhom.

Avu: Mela ara ritratti minn fuq il-process, Jason ħa nurik page 39 tal-PV imbagħad qalleb jekk ikun hemm bżonn imma 39 qisgha turi it-triq ara naqra.

Xhud: Hawnhekk hawn hawn it-tappiera minn fejn seħħ l-açċident.

Avu: Għalfejn tkompli ssemmiha dit-tappiera?

Xhud: Għax l-impatt seħħ eżatt hemmhekk u l-karozza qiegħda mitfugh għan-naħa l-oħra pparkjata jiġifieri.

Avu: X'għandek xi tgħid fuqha għax inti kont hawn meta xehdet Laura u l-ħabiba tagħha?

Xhud: Il-karozza kif qed jidher fir-ritratt ġiet imċaqalqa minn fejn seħħ l-impatt.

Avu: U fil-fatt meta konna hawnhekk kien hawn sinjorina li kkonfermatu dan imma mbagħad tiftakar x`qalet wara?

Xhud: Ma niftakarx, imbagħad niftakar li għax jiena kont konxju l-ħin kollu ta' x' ġara ma ntlift minn sensija niftakar li ġiet wahda minnhom kienet qalet li taħdem nurse u ġiet iżżommli rasi u qaltilhom biex ma jneħħuhiex il-helmet.

Avu: Tiftakar liema wahda minnhom ghax qed issemmi 2 inti?

Xhud: Mingħalija Laura jisimha li tahdem bħala midwife mbagħad niftakar li kien hemm pulizija u staqsihom min kien qed isuq u kien hemm wahda minnhom qalet li kienet qed issuq hi.

Avu: Liema wahda li kienet qed iżommlok rasek?

Xhud: Ehe li kienet qed izzomli rasi u fil-ħin qabżet l-oħra u qaltilhom le jien kont qed insuqha l-karozza u ma bdejtx nifhem x' qed jiġri.

Avu; Mela s' issa aħna fhimna li int kont nieżel triq il-Merluzz LAU qassmet,

Xhud: Qatghet ghad-dritt flok ħaditha bid-dawra.

Avu: U inti sibtha ma' wiċċek għedtilna issa dak il-ħin inti x`pruvajt tagħmel int kif kont ghaddej ħa nibdew minn hemmhekk kif kont għaddej?

Xhud: Jiena kont għaddej bil-mod ma kellhiex fejn nersaq lejn il-lift għax kien hemm il-karozzi pparkjati, jiġifieri ma kellhiex fejn niskapula l-karozza.

Qorti: U mort min-naħa l-oħra biex tipprova tiskapulaha?

Xhud: Le jiena kont nieżel min-naħa tax-xellug u kif rajt il-karozza ma kellhiex fejn nersaq iktar fuq ix-xellug għax kien hemm il-karozzi pparkjati jiġifieri mbagħad seħħ l-impatt.

Avu: Mela it xi ġralek dak il-ħin meta seħħ l-impatt?

Xhud: Niftaħ għajnejja nsib ruħi mal-art, jiġifieri bdejt niġġieled għan-nifs, kelli spallti u hekk magħluqa jiġifieri kont muġugħ ħafna.

Avu: Kemm domt imbagħad l-isptar?

Xhud: L-isptar ghamilt ġimgħa għamilt ġimgħa.

Avu: X`kellek kellek griehi?

Xhud: Kelli internal chest injury kelli il-milsa mibruxa kelli ksur fl-għarqub qlajt spallti ksirt il-… … hawnhekk.

Avu: U minn fuq sibt ruħek hawnhekk akkużat.

Xhud Għamilt xahrejn u nofs ma mmurx għax-xogħol lanqas.

Avu: Issa mela inti bqajt tispjegalna issa li l-impatt seħħ ma' dik it-tappiera bħala posizzjoni. Pero semmejtilna wkoll il-karozza ġiet imċaqalqa inti dan b'għajnejk tiftakru?

Xhud: B'għajnejja ma niftakrux imma kif rajt ir-ritratti, jiġifieri mbagħad għedt xi hadd ressaq il-karozza.

Avu: Fejn il-karozza qegħda pparkjata f' dawk ir-ritratti LAU u l-inċident hemmhekk seħħ fejn qiegħda?

Xhud: Le ma sehhx hemmhekk żgur ma seħħx hemmhekk.

Avu: Xejn iktar sinjura.

Il-Qorti hadet konjizzjoni tal-kontenut tal-Proces-verbal u r-rapporti kollha annessi

**Ikkunsidrat**

Illi hemm kunflitt ta’ provi rigwardanti kif sehh l-incident u bhekk ma hemmx il-livell ta’ provi rikjest fil-kamp kriminali ta’ *beyond*

*a reasonable doubt.* Isegwi li ma gewx ippruvati l-imputazzjoijiet fil-konfront tal-imputat

**Decide**

Ghal dawn il-motivi wara li rat l-artikoli 328 ( d)tal-Kap 9 u art 15(1)( a) (2) (3)tal-Kap 65 fil-L.S. 65.18Art 36(B) u fil-LS65.18 Sitt Skeda tal-Ligijiet ta' Malta issib lil Jason Schembri mhux hati tal-imputazzjonijiet fil-konfront tieghu u tilliberah minn kull htija u piena.

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

**Doris Serpina Sciberras**
**Deputat Registratur**