



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

Magistrat Dr. Yana Micallef Stafrace LL.D.

Pulizija

(Spettur Diane Vella)

Vs

Alexander Formosa

Illum 7 ta' April, 2025

Il-Qorti;

Rat l-imputazzjonijiet fil-konfront ta' Alexander Formosa bin Carmel u Josephine nee Camilleri imwieled fil-02/10/1980 u joqghod 28, Triq Napuljun Caruana Dingli, Mellieha, ID 481580M.

Billi int akkuzat talli fit-23 ta' Lulju, 2022 ghall-habta ta' 00.30 hrs fi Triq Qasam Barrani, Mellieha soqt vettura b'numru ta' registrazzjoni BCP224;

1. B'manjiera traskurata;
2. Talli soqt l-imsemmija vettura b'manjiera perikoluza;
3. Talli soqt l-imsemmija vettura b'manjiera bla kont;
4. U aktar meta b'nuqqas ta' hsieb, bi traskuragni jew b'nuqqas ta' hila fl-arti jew professjoni jew b'nuqqas ta' tharis tar-

regolamenti tat-traffiku, involontarjament ikkugunajt offizi ta' natura gravi fuq il-persuna ta' Zisa Sayana skond kif ccertifika Dr. D. Laurretta Agius M.D. mill-M.D.H.

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 226(1) (b) 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 u x-xhud prodott minnu.

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

Semghet it-trattazzjoni.

Ikkunsidrat

PS 419 A Buttigieg u T-Tabiba D Laurretta Agius xehdu permezz ta' affidavit.

Zisa Sayana xehdet dwar l-verzjoni taghha tal- incident

L-imputat xehed dwar il-verzjoni tieghu tal-incident

Lars Holger Lanstuek, xehed hekk

Pros: Mr.Lanstuek I refer to traffic accident between the accused, Mr. Alex Formosa, and another vehicle, the police report that you are a witness to this car accident?

Xhud: Yes.

Avu: What details can you give the court, please? All you know about this case from what you saw?

Xhud: So I was driving behind the car in front of me, which was I think Mr. Formosa is the name. And all of a sudden it crashed in front of me, he turned to the right and a vehicle that was not visible before was all of a sudden.

Qorti: What do you mean he turned to the right?

Xhud: He turned into a into a street so he was driving.

Qorti: He was on the main road and turned into a side road so he crossed the other lane?

Xhud: He crossed the other lane Yes, obviously, yes.

Avu: So how far behind Mr. Formosa's car were you?

Xhud: A good 30 metres, I guess. So it's a little bit higher level I was a little bit higher, so I could see much more I was not just directly behind him, so I didn't even have to brake while he was turning I was this far away.

Avu: What was his speed more or less?

Xhud: He actually halted as far as I could see he stopped the car because he was waiting for another car to pass. There were apparently two cars. So he was waiting for one car to pass and then he turned and then all of a sudden it crashed.

Avu: So when you say he was waiting for one car to pass, which car are you referring to?

Xhud: There was the car that was coming from the other side on the other lane exactly.

Avu: So before turning onto the right, he stopped?

Xhud: Yeah, pretty much so that's what I remembered.

Avu: And what about the other vehicle? I mean, did you notice anything particular?

Xhud: No, it was. You couldn't see it It was basically behind the second car, but it was dark and I'm pretty 99% sure that the car didn't have the lights on.

Avu: The other car?

Xhud: Yes it might have been just starting from parking lanes there I have no idea it was invisible.

Avu: So you're stressing that the other car did not have the lights on?

Qorti: No he said he's almost 99% sure.

Xhud: I'm 99% sure that that's the only. That's the only thing that I can come up with because it was really not there, I couldn't see it I saw him stopping, waiting for the other car.

Qorti: The other car had lights on?

Xhud: Yes, the other guy had lights on I saw the other car passing I didn't even as I said, I was far enough, far, far away enough I didn't have to slow down even.

Qorti: So the car with lights on and the and The car in front of you stopped to let it go by?

Xhud: Exactly.

Qorti: Then suddenly the crash occurred but you did not see a second car and you arrived at the conclusion that probably didn't have lights on.

Xhud: Yes.

Qorti: Coz you hadn't seen it.

Xhud: Yes, exactly.

Qorti: Like you saw the car before?

Xhud: Exactly I saw the car before perfectly So I didn't, I didn't. I had to then also break all of a sudden because I thought he would be gone before I even arrive. So he turns, the car in front of me, turns normally and I could just.

Qorti: He couldn't see it was not because there was something in the road that stopped him from seeing it. You arrived at the conclusion that the only logical answer was that because that vehicle's lights weren't on?

Xhud: Exactly the corner is not lit up at all. The corner.

Qorti: Yes, but the corner is not lit up is one thing.

Xhud: Yes, exactly.

Qorti: The car did not have a it`s lights on is another.

Xhud: Yes. Yeah, I mean 100%. The corner is not lit up I just made it obvious, if the corner had been lit up, I guess if the street would have been lit properly in front of the school, then I think he would have seen it either and I would have seen the car coming as well. But it was invisible, it was

dark. It was a dark car as far as I remember. And there was no car for either of us to see.

Avu: So just to clarify, when you're referring to a car not having the lights on, you're referring to the car coming?

Xhud: Yes, yes, exactly, the car.

Avu: And after the impact, what did you do?

Xhud: Well, I. I stopped and I tried to figure out what was going on obviously two cars I think I checked on the car that was in front of me first, the second one as well, and then just basically gave not first aid, but help where I could. There was another person that was calling the ambulance and police and I basically was just there holding the guy's leg up for 20 minutes until the ambulance arrived.

Avu: And with regard to the car coming from the opposite direction?

Xhud: Yeah, she was fine. She got out of the car, she stepped out of the car, sat down and then. Then I started taking care of the other guy. As I said, there was a second person there who was calling, then the ambulance.

Avu: Did you approach the other car?

Xhud: Yeah, yeah.

Avu: Did you see anything particular on the car?

Xhud: No, no, no, nothing, but that there were crash but nothing, you know, like.

Qorti: Were the Lights on in the car, the other car?

Xhud: I'm pretty sure, no no I didn't see I didn't at that point. I didn't confirm it for myself. It was more important. It was more important that people are fine than.

Qorti: So You didn't go and see if the lights were away?

Xhud: No, I didn't cheque on that personally.

Avu2: Cross, so am I right to state that both vehicles were kind of new vehicles, not old vehicles?

Xhud: Yeah, I think so, yeah, yeah. They were both rather normal cars, like, might be any. Any build any year, but nothing very old.

Avu2: And are we in agreement that you were quite far from the vehicle that you were driving behind?

Xhud: Far enough that I wouldn't have. Wouldn't have had to slow down if he had been turning properly quite far.

Avu2: So you mentioned the corner, you said that the corner was not properly lit up,

Xhud: It's still not yeah.

Avu2: But the main road that you are driving, are we in agreement that it was pretty lit up?

Xhud: No, not that corner in front of the school no not the corner. The part on the main street you mean the main street, it's not lit up on that part, absolutely not. Yeah.

Avu2: No further questions.

Qorti: You can leave. Thank you.

Ikkunsidrat

Ix-xhieda ta' Lars Holger Lanstuek li l- vettura misjuqa mill-parte civile hi xhieda krucjali u senjatament li din il-vettura ma kelliex dwal u kient invizibbli fit-triq. Dan ifisser li l-imputat ma kienx responsabbli għall-incident de quo stante li sewwieq ma jistghx jara u juri proper lookout meta vettura l-ohra ma jkolliex d-dawl. Bhekk ma gewx ippruvati l-imputazzjonijiet fil-konfront tieghu

Decide

Ghal dawn il-motivi wara li rat l-artikoli 226(1) (b) 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 Alexander Formosa 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