



**In the Court of Magistrates (Malta)**  
**As a Court of Criminal Judicature**  
**Magistrate Dr. Yana Micallef Stafrace LL.D.**

Police

(Inspector Diane Vella )

Vs

Petru Dorin Neagoe

12<sup>th</sup> of May 2025

The Court

Having seen the charges against Petru Dorin Neagoe born on the 05/06/1988 residing 80, Mon Cherie, Triq Cikku Bonaci, B`Kara ID No: 147756A.

As you have been charged with having on the 27<sup>th</sup> of April 2019 at about 4.30 hrs, at Rue D`Argens, Gzira. drove vehicle with registration no: DCA492;

1. You drove vehicle no CCJ762 in a dangerous manner;
2. You drove vehicle no CCJ762 in a negligent manner;

3. You drove vehicle no CCJ762 in a reckless manner;
4. Also through imprudence, negligence or, unskillfulness in your trade or profession, or through non-observance of any regulation, caused any fire or any damage, spoil or injured when you collided with vehicle No Ken107 and you caused involuntary damage to the mentioned vehicle to the detriment of Kenneth Mifsud.
5. Moreover through imprudence, negligence, carelessness, unskillfulness in your art or profession, or through non-observance of any regulations, you caused involuntary grievous bodily harm on the person of Kenneth Mifsud and produced the effects mentioned in article 218 of chap. 9. Laws of Malta, as certified by Dr. Alexander Grima (Reg. Med 4137) of Mater Dei Hospital.

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 licence, as indicated in S.L. 65.18 Art 36B and in S.L. 65.18 Sixth Schedule.

Having seen articles 226(a) of Chapter 9 and 15(1)(a)(2)(3), of Chapter 65 of the Laws of Malta

Having seen all the witnesses produced by the prosecution

Having seen the testimony of the accused

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

Having seen the Oral submissions

### **Considerations of this court**

**Dr Alexander Grima** testified by means of an affidavit

**Kenneth Mifsud, testified as follows**

Qorti: Mela x` tista tghidilna?

Xhud: Mela dak in-nhar 27<sup>th</sup> April 2019 jiena kont xoghol dak in-nhar dak iz-zmien kont nahdem part-time fil-kafe Jubilee tal-Gzira u kont sejjer id-dar mieghi kelli kollega franciz,

Qorti: Fejn kont ix-xatt igifieri fejn kont ghaddej?

Xhud: Le jiena kont hierieg minn Sliema road sejjer le Rue D`Argens issa mieghi kelli kollega li kien jahdem mieghi u il-lights dak il-hin kienu homor x`hin kienu homor u kont ghaddej jiena waqft fil-genb kien hemm garaxx waqft fil-genb u waqft lil kollega tieghi ghedtlu caw waqqaft ghaxkellu bzonn ried jieqaf f`dik il-location kellu jieqaf nizziltu, issa ghedtlu caw dak il-hin il-lights kienu homor x`hin qelbu hodor jien soqt qabbli ma kien hemm hadd igifieri jiena,

Qorti: Igifieri inti tielgha ghall-go Rue D`Argens biex nifthemu minn-naha tax-xatt biex tohrog ghall gol-main road jiena kont Sliema road ezatt ezatt, issa hemmekk blind spot trid toqghod fuq, il-lights kienu hodor jiena hrigt quddiemi ma kien hemm hadd malli hrigt impatt kbir karozza gas down ghall go fija u jiena dakil-hin bid-daqqa intlift minn sensijja qisu xi hadd ghamilli bomba fil-karozza hekk jassni dak il-hin.

Qorti: Mela ghandi dawn ir-ritratti li gew ezebiti mill-pulizija, issa avukat ghinu ftit biex jara hux relevanti ghax jekk jittellem fuq kull ritratt ghandna sa ghad filoghdu sibli 4 relevanti fejn hemm ilkaroza tieghu fejn hemm l-oħra u fejn spiccat.

Pros: Inti x`karoza qed issuq?

Xhud: Il-Peugeot 107.

Pros: Il-karoza li kellek l-impatt magħha liema direzzjoni tiftakar li kienet geġja?

Xhud: Geġja l-isfel litteralment baqa diehel go fija.

Qorti: Baqa l-niezel?

Xhud: Ijja ezatt.

Qorti: Sejjer il-Gzira propju lejn Wembley u hekk biex nifthemu?

Xhud: Lejn il-ground l-antik.

Qorti: Iva fhimt.

Avu: Hawn dar-ritratti ghidilna x`qed taraf`dan ir-ritratt orina il-karoza tiegħek u tal-impatt?

Xhud: DOK P1 din tieghi X u din tal-impatt Y.

Avu: DOK P2 l-isess haga x`qed tara?

Xhud: L-istess X tieghi u Y tal-impatt.

Qorti: Apparti intom it-tnejn kien hemm involuti karozzi ohrajn fl-incident?

Xhud: Ghax tant kien ghaddej b`velocita qawwija li appart faqali baqa` ghaddej gol-karozzi l-ohrajn ipparkjati ukoll.

Qorti: Igifieri dat-tlett karozzi li qed nara go DOK P1 dawk kienu ma kienux hekk saru hekk wara l-impatt.

Xhud: Iva bid-daqqa li baqa` diehel go fina.

Qorti: Lilwk mexxiek il-quddiem jew xi haga hekk?

Xhud: Lili il-karozza tieghi mexxieni il-quddiem.

Qorti: Igifeiri is-side road aqqas qeghda biss fir-ritratt hawnekk hux hekk?

Xhud: Eee u zgur lili tajjarni litteralment qsu xi hadd ghamili bomba fil-karozza xokk kbir.

Qorti: Halli xokk kbir sinjur jiena li jinteressani li jien mhux qednara side roads fir-ritratt?

Xhud: Il-location,

Qorti: Igifieri bl-incident inti spiccajt lil hinn mis-side road minn fejn kont hierieg?

Xhud: Hekk hu.

Qorti: DOK P3 x`qed tara?

Xhud: Il-karozza tieghi fejn sar l-impatt totalment total loss.

Avu: DOK P4?

Xhud: L-istess haga minn fuq quddiem dik mit-tarf.

Qorti: Hu laqtek minn quddiemu mil-genb?

Xhud: Hu laqatni mill-genb minn naha tas-sewwieq minn naha tieghi pero umbaghad l-impatt u bid-daqqha li biddilli l-location ukoll tal-karozza kif qed nghidu giet parts.

Avu: DOK P5?

Xhud: X tieghi u Y l-iehor.

Avu: DOK P6?

Xhud: Hawnekk turiha naqra it-triq li hrigt tajjeb issa turi kemm mort boghod bid-daqqa minn hrigt ghall-fejn spiccajt turi ukoll il-karozzi kollha li dahal kollha fihom apparti fija bl-ispeed kollu li kien ghaddej bih u tara l-karozza tieghu minn angolu perfett issa apparti minn hekk ghamilt X u Y.

Avu: F`dak ir-ritratt peress li jidhru it-toroq ghdilna naqra is-sewwieq tal-Mercedez minn fejn kien gej mmarka bi vlegga.

Xhud: Ha naghmel vlegga bid-direzzjoni li kien gej biha hu.

Qorti: U int minn triq laterali li semmejt, laterali wahda biss li semmejt fir-ritratt?

Xhud: Iva, kien niezel direction ground l-antik.

Avu: P7 u ghdilna x`qed tara?

Xhud: DOK P7 il-karozza tieghu minn fuq quddiem,u ghandi ritratti jiena

Qorti: Minhathom?

Avu: Missieru filkaz jezebihom id-darba li gej.

Qorti: Ok mela, il-papa` x`jismu?

Xhud: Ron Mifsud.

Qorti: Ok DOK RM, ok dawn ittiehdu fuq il-post?

Xhud: Iva, mela RM1 il-karozza tieghi fih biss minn quddiem issa RM2 hemm il-karozza tieghi minn angolu qidu fuq wara u l-genb u l-karozza tieghu fuq wara,

Qorti: Ha tghidli fuq l-injuries?

Xhud: Issa l-injuries bis-safety belt ok salvatli hajti pero kelli injury,

Qorti: Spalltek?

Xhud: Clevical fracture tajjeb ghandi id-discharge hawnekk,



Avu2: Clevical jew spalltek ha nkunu cari?

Qorti: Spalltu ghedtlu spalltu jiena ta avukat, jien mhux ha noqghod fuq li qalli hu jien ha noqghod fuq id-dokumenti.

Xhud: Issa kelli naghmel 2 operazzjonijiet.

Pros: Sinjur kemm domt biex tirkupra?

Xhud: Jiena apparti l-injuries fizici kelli baghtejt minnha dil-bicca tax-xoghol menatalment ukoll certu ghamilt sena bil-plate kelli plate ghamilt xahar ma nistax niccaqlaq igifeiri litteralment kelli nieqaf mix-xoghol,

Pros: Kemm domt nieqes mix-xoghol?

Xhud: Ghamilt 3 gimghat zgur umbaghad kelli is-sling u kelli l-assistant mieghi dak iz-zmien kont nahdem quality auditor ma Farsons full time u kienu gabuli intern jaghmilli ix-xoghol ghax jiena ir-right u ir-right nikteb biha u kont nghidlu kien jikteb hu umbagahd wara sena apparti il-Physio u dawn l-affarijiet kollha wara sena kelli innehhi il-plate kelli operazzjoni ohra kelli nerga immmur ghall-Physio recovery u dawn l-affarijiet kollha apparti kif qed nghidilkom it-trawma mentali li jiena ghadni bilkemm insuq sall-llum tibqa tibza uu.

Pros: Dik il-vettura il-Mercedez li urejtn air-ritratt iktar il-fuq tiftakar min kien qed isuqha dak in-nhar tal-impatt?

Xhud: Dak ir-ragel t`hemm.

Qorti: Ix-xhud indika lil imputat.

Pros: M`ghandix iktar mistoqsjet.

Qorti: Kontro Ezami int kont wahdek fil-karozza?

Xhud: X`hin kont hierreg kellipassiggier kollega Max franciz dan Max

Qorti: Mhuwiex Malta igifieri?

Xhud: Le, ghandna affidavit imma m`ghadux jghix Malta ovvjament x`hin sar l-impatt hu ma kienx ghadu passiggier ghax jiena kont ilhaqt nizziltu x`hin kienu homor.

Avu2: Mela inti ghedtilna li kont gej minn part time Cae Jubilee naqblu?

Xhud: Iva.

Avu2: Issa x`kien xogholok il-Café Jubilee?

Xhud: Barman.

Avu2: Café Jubilee sa x`hin kien idum miftuh?

Xhud: Skond ix-xoghol li jkollna ovvjment jekk ikun fadal in-nies mhux dejjem l-istess bejn wiehed u iehor dak in-nhar hrigt qisu sa xi 2.30am sakemm tnaddaf, stock take u taghlaq il-cash jaghddi naqra hin.

Avu2: Kemm ghadda hin?

Xhud: Ghandek bejn wiehed u iehor siegha jew naqra iktar.

Avu2: Tajjeb ghalaqtu xi 2.30am,

Xhud: Umbaghad qisu ghall xi 3.30 approx jew iktar wara.

Avu2: Bejn it-3.30 u l-hin li kont qed issuq allura meta sehh l-incident x`kont qd taghmel?

Xhud: X`igifieri x`kont qed naghmel?

Avu2: Ghax inti qed tghidilna ghalaqtu il-hanut tajjeb fis-2.30am,

Xhud: L-accident sar approx fl-4.400am

Avu2: Fit-3.30am kont lest mil-istock take jew whatever u hrigt umbaghad l-incident sehh fl-4.30am?

Xhud: Le ghall-4.00.

Avu2: Issa l-incident sar fl-4.00am pero naqbli illi distanza fejn il-Café Jubilee perse fejn sehh l-incident qed nitkellmu kwistjoni ta lanqas hemm kilometru naqblu?

Xhud: Lanqas hemm kilometru.

Avu2: U allura fil-frattemp x`kont qed taghmel?

Xhud: Ix=xoghol kont qieghed.

Avu2: Imma inti ghedtilna li ghalaqt.

Qorti: Dottore please it was circa 4.30 kieku qalli circa fit-8.00am nghidlu ivva imma circa 4.30 hem qeghdin.

Avu2: Jisra jkun lli kont ikkonsmajt xi alkohol dk in-nhar?

Xhud: Le.

Avu2: Zgur?

Xhud: Hadt birra meta ghalaqt il-cash mal-kollega tieghi.

Avu2: Jekk nissugerilek li anka fir-rapport li hemm fil-process anka il-pulizija li gew fuq l-post accennaw ghalkemm inti ma kontx qed titkellem car u anka ir-riha ta alkohol li kellek fuqek?

Xhud: Ifhimni riha qawwija riha ta alkohol kelli ghax nahdem wara l-Bar gifieri xi naqra riha ha jkollok bilfors dan bhal meta tpejjep u ha jkollok riha ta sigaretti xokk kbir kelli fuqi u gahdni bix-xokk sal –gurnata tall-llum ahseb u ara dak il-hin.

Avu2: Il-pulizija irrimarkaw nerga nghidlek li kellek sinjali li kont intossikat dak il-hin kont that l-effett tal-alkohol?

Xhud: Jiena kelli xokk kbir.

Avu2: Issa jekk nissugerilek ukoll inti ma kellekx l-attenzjoni shiha fuq is-sewqan dak il-hin u ma kontx biss issuq mma kont anka tiekol waqt li kont qed issuq?

Xhud: Niekol? Le le ta.

Avu2: Jekk nissugeilek li inti kellek slice pizza f'idejk?

Xhud: Le le waqt li kont qed insuq ma kontx qed niekol.

Avu2: Issa il-kollega tieghek fejn waqqaftu jekk jogghbok?

Xhud: Mela il-kollega tieghi waqqaftu Sliema road hemm garaxx waqaft fil-genb nizziltu x`hin kienu il-lights homor ubaghad soqt x`hin kienu il-lights hodor uma kien hemm hadd quddiemi.

Avu2: Pero ilhaqt waqqafu fuq il-lights jew qabel il-lights?

Xhud: Qabel il-lights kien hemm garaxx jien dhalt fil-genb biex ma nkunx fin-nofs tat-triq dhalt fil-genb tal-garaxx waqqaftu nizziltu il-lights kienu homor x`hin il-lights kienu hodor soqt u ma kien hemm hadd quddiemi.

Avu2: X`jismu il-kollega tieghek?

Xhud: Max franciz.

Avu2: Taf x`kunjomu?

Xhud: Insejt imma ghandna l-affidavit tieghu.

Qorti: Maxi Robert Bertrand?

Xhud: Ehe dak.

Avu2: Jekk nissugerilek illi inti ma hrigtx fuq lights hodor izda il-lights ghalik kienu homor?

Xhud: Le uu.

Avu2: U allura id-dritta kienet triq principali?

Xhud: Le qed nghidlek kif grat il-haga.

Avu2: Issa inti qiegehd dejjem tghidilna li s-sewwieq tal-Mercedez dahal go fik?

Xhud: Ezatt dahal go fijja u l-karozzi l-ohra ipparkjati kollha b`velocita qawwija.

Avu2: Igifieri inti qed tghidilna li l-impatt sehh fuq il-genb tal-karozza tieghek?

Xhud: Fuq in-naha tieghi tal-passiggier bicca mil-genb u quddiem.

Avu2: Issa jekk nissugerilek li filfatt kont inti li dhalt fil-genb tieghu?

Xhud: Lee.

Avu2: Rajthom ir-ritratti li xehed fuqhom illum?

Xhud: Iva rajthom hu dahal fijja igifieri bicca mil-genb u bicca mill-quddiem on the side.

Avu2: Nista nirreferieh DOK P7 please nirreferik ghall-DOK P7 naqblu li dak huwa ritratt tal-Mercedez?

Xhud: Fejnnlaqat lili ezatt.

Avu2: Naqblu li dak huwa l-genb tal-vettura?

Xhud: Ezatt.

Avu2: U naqblu li dak jindika daqqa cara fuq ir-rota?

Xhud: Mhux bilfors jekk dhal go fijja.

Avu2: Pero dik hija daqqa gejjja mil-genb bil-body imdahhal il-gewwa?

Xhud: Naha minnhom laqat lili u naha l-ohra laqat il-karozzi ipparkjati ovvja.

Qorti: Igifieri inti irrizultalek dik id-daqqa?

Xhud: Naha minnhom laqat lili u naha minnhom laqat lil ohrajn.



Avu2: issa inti meta kont hierg minn din it-triq Sliema road kont diehel ghall-go Rue D`Argens fejn kont sejjer direzzjoni?

Xhud: Dritt kont sejjer.

Avu2: Xi speed kont ghaddej?

Xhud: Peugeot 107 ghandi speed mhux xi speed l-iktar bil-40 tkun ghadekkemm twaqqaf u ssuq bilmod uu.

Avu2: Nirriserva f`dan l-istadju.

Qorti: Kontro Ezami Ulterjuri Riservat.

**Jovana Vucic** gave testimony regarding the accident in question She was a passenger with accused and stated that the vehicle she was in crossed the traffic lights when they were green .

**Ronald Mifsud** gave testimony regarding the fact that he was on the site of the accident after it occurred and he confirmed that he took photos Dok RM1 and RM2 at that time.

**Petru Dorin Neagoe, testified as follows**

Court: You swear to say the truth, the whole truth and nothing but the truth so help you God.

Wit: I swear.

Adv: Mr. Neagoe you know about which case we are speaking here today you know the accident we have been speaking of can you explain to the Court step by step what happened?

Wit: Yes, in the morning of 19<sup>th</sup> April 2019 I was coming from work with my colleagues in the car I don't his name one of them and Jovanavic they were inside the car with me we were coming from Level 22 where we were working and on Rue D`Ardens I had to make a stop before the traffic lights to leave Ms. Jovana because she had to leave,

Court: You were driving up the hill or down?

Wit: Down the hill towards to towards Msida. After I left Miss Jovana down I continue my road I saw that the traffic lights, there were no car in front of me that the,

Court: Which traffic light?

Wit: The traffic lights on the road Rue D`Argens.

Court: Which ones I think?

Wit: They are the only ones.

Court: The ones that the end of the road?

Wit: The one that they cross.

Adv: Wait, so that we don't get confused, So you said you were coming down the hill, so you were coming from Sliema towards Msida?

Wit: Yes.

Adv: Explain which traffic lights?

Wit: So the traffic lights there, This one is the one that makes the cross between Rue D`Argens Road and the road that's coming down from Manuel Island towards to San Gwann.

Court: OK, alright, there's the, this is this is the traffic lights. There's there's this on the corner, this establishment right?

Wit: Yes, yes, yes. Yes.

Court: You talking about this one DOK P8?

Wit: Yes, so I saw that traffic lights is green so I continue my road when I reached the traffic lights a car came from the left side from down from Manuel Island.

Court: So you were coming down and from the left, coming up from the from the sea?

Wit: Yes from on the side of the sea, from my left side. He came out I saw him coming out I flash I horned I saw that he doesn't stop he was looking at me and he didn't have no reaction. He was just continuing straight. I tried to avoid the accident he hit my wheel, my front wheel he hit my wheel,

Court: You stopped?

Wit: Me I tried to brake.

Court: You stopped at the light?

Wit: No, I didn't. I didn't stop. I didn't stop.

Court: The lights were green?

Wit: The lights were green for me.

Court: Always they were green for you?

Wit: Yes yes yes, so the lights were green, so I didn't have to stop. I just continued the road. Now he came out from the

left side, hitting my wheel,

breaking my braking system and push me in the right side, all the cars from the right side that they work park after that I came out from the car I went towards to his car to see if he's OK. I asked Mr Andre, my colleague that he if he's OK, He said that he's OK So why came down from the car? And I went to his car to see how, now when I reach his car, I ask him if he's OK He said he didn't know what he was asking what happened, what happened? What happened? He was confused.

Adv: Who was confused?

Wit: The driver, Mr. Mifsud so after.

Court: So Mr Mifsud, the one in the car that came out from your left hand side?

Wit: Yes, yes, from the Peugeot, now after that I saw a lot of people coming, my colleague was coming, She came as well. She was one Jovanavic, she was the first one coming to the car she came obviously she came to me because I was her colleague, so she came to me to ask if I'm OK.

Court: And is there your car in this photo DOK P6?

Wit: Yes, this one, The Mercedes.

Court: Mark it with red please, ok And the other vehicle which came out from your left is it in this photo?

Wit: Yes.

Court: You did an X right next to your car?

Wit: I did an arrow.

Court: Now can you mark the other car please?

Wit: Yes.

Court: So the larger black car is yours and the smaller of the other party went from the other side?

Wit: Yes.

Adv: Mela you are saying that after the accident you go to the spot where Yovanna came to you?

Wit: Yes, and me, I was at the car of Mr. Mifsud. I was checking to see how he is when I lean towards his car to see if he's OK I felt a hard smell of alcohol after that I told them came some people from the side I don't know who they are There was a Lady and the Man which opened the door and pull him out from the car, me telling them, explaining them that after an accident you can't touch the

victim, you have to leave it there because they can, they can harm him more. They didn't understand, they just took him out I don't know I didn't understand why there was no danger of fire There was no danger of nothing There was no leakage of the of petrol or something so everything after that the police came immediately. My car, because he had it, has a system of calling the ambulance and in case of collisions it was on call with the police. They already knew what happened with the accident and everything so I just tell them where we are. They said no, we know exactly where they are and the ambulance came first and took Mr Mifsud after it came the Seargt and they explain everything to the Seargt.

Adv: Ok, When you were testifying, you said that due to the accident, when the other car hit your wheel, it broke your braking system. What do you mean?

Wit: So obviously as you can see the there are some pictures where it shows the left wheel of my car.

Court: If you have a picture where this show this, can you?

Wit: It's P6. On P6 as you can see the left wheel of my of my car, the front wheel, it's broken and it's pushed inside, so it changed It changed my direction Plus it changed obviously me I tried to avoid him, so if he wouldn't hit my wheel, I could have avoided not to hit the other cars I could have avoided him as well.

Court: So you are saying that because of the impact with the the vehicle that came out from your from my left side it

damaged your wheel in such a way that you could not control the vehicle totally?

Wit: Yes, and they remain without brakes, yes, because of the the accident I think so it shows in the in the report that the brakes they were damaged, the pipes of the bricks where the show, it shows in the report of the insurance.

Adv: You were driving the car what happened to the brakes?

Wit: I just remained without brakes, just the pedal went up, up, down, after the the heat it went straight to the floor so so before I couldn't control it.

Court: So before the accident the brakes were lacking?

Wit: Of course the car was new I had it for 4 months so the car brand new.

Adv: Who was on the main road? In this case?

Wit: Me I was driving in Rue D`Argens.

Court: So your vehicle went into other parked vehicles?

Wit: Yes, on another five cars from the side.



Adv: You sad that,

Court: What was your speed please?

Wit: It was around 45/50.

Adv: You said that after the accident you approached Mr. Mifsud and you could smell alcohol?

Wit: Yes.

Adv: What was his behaviour after the incident?

Wit: Like he was, he was asking a lot what happened, what happened. He didn't know what happened so he was not aware of the accident like a person I was working I was working in the club for nine years so I saw a lot of drunk people and I know the behaviour is not that.

Adv: When you say behaviour of drunk people. What did you see?

Wit: So I saw him like he was not able to control himself, for example I'm not speaking about his because I understood he I'm not an expert.

Adv: For example?

Wit: That he was not able to stay on his legs.

Adv: When you went to speak to Mr. Mifsud after the accident was he alone in the car or was he with other people?

Wit: No he was alone.

Adv: No further questions.

Adv2: Cross, so I'm going to refer to the statement of various other individuals that were present with you in the vehicle in the statement you gave to the police, Am I correct to state that you were heading to the airport to take one of your friends to the airport for a flight?

Wit: No, there's a mistake.

Adv2: You were not heading to the airport?

Wit: No, I was not heading I was heading home and it was, it's written in the report that on Mr. Andre he left the site because he had to go to the airport and I was driving him home.

Adv2: Now when you were coming down in triq Rue D'Argens it's a very long road and you can see the traffic and

you said that you were the only vehicle there was no, there was speaking in front of you, correct?

Wit: Yes.

Adv2: And did you see the traffic lights from the beginning of of the road? Did you have a clear vision of the traffic light from when you were coming down triq Rue D`Argens?

Wit: Yes.

Adv2: And what was the the the colour of the traffic light?

Wit: Green when I stopped. I don't understand the question.

Adv: What if you're if you're 250 metres away, you don't look at the traffic lights where when there are others before and when they had to stop it, when they had to stop someone to to to alight from the car.

Adv2: Mela, what was the colour of the traffic light?

Court: When he was going up to the lights, it was green. What the lawyer is asking you is before from before further up the road if you noticed, Was it always green or was it another colour?

Wit: I think it was another colour I didn't notice me. I notice when I after I left Jovana and I started driving, I noticed the traffic lights before that I we were speaking inside the car we were speaking about the night while how it happened. So I didn't pay attention at the traffic lights because I was not going to pass the traffic lights until I stop. You know, it was not the first time that I stopped with my colleague to leave her home, that's why I didn't notice. I'm sorry.

Court: So you left you, You dropped her off in Rue D`Argens?

Wit: Yes, in Rue D`Argens.

Court: You dropped her off to Rue D`Argens and up to that point you weren't interested in the lights because you were going to drop your friend off?

Wit: Yes.

Adv2: And then when you drove off, you said you all you always saw the traffic lights green?

Wit: Yes, I saw even that was the reason that I told Jovana that I saw the traffic lights coming green and we said bye so I continued the road.

Adv2: And at which stage did you stop this person, Jovanna, and at which stage in Rue D`Argens? It was, it was in the beginning of the of the road?

Wit: No the distance, the distance that I saw from the traffic lights I think so it's around 70 to 80 metres distance the 2nd Rd that goes on the left from the traffic lights up. It's there are two roads. The first one.

Adv2: Is there, there's establishment this Savoy gardens?

Wit: After After the Savoy Gardens.

Adv2: Now when you came, when you were crossing the traffic lights, you you maintained a constant speed Or did you slow your vehicle since you're passing through the traffic lights?

Wit: Obviously I had to, so I was going from a full stop, oK because I had the full stop when I when I left the Jovanna and after I was accelerating the car so I so I passed.

Adv2: So you didn't slow when you were passing the traffic lights?

Wit: 5:00 in the morning I'm doubted that someone will stop.

Adv2: Now, since you were accelerating your vehicle, do you know the approximate speed you were driving?

Wit: Around 40 45 to 50, yes, yes kilometres per hour, kilometres, kilometres. My car are in kilometres.

Adv2: Alright, now after the accident happened, you when you came out of your, am I correct to state that there were a lot of spillage in the road of oil, petrol and diesel?

Wit: No there were no fluids from what I saw when I came out.  
There wasn't spillage.

Or no fluids? No, there was no fluids after when the police come and everything, obviously there was some spilling of the liquids of my car I didn't went underneath to see immediately so I could I can see.

Adv2: And it was your vehicle, right, who hit the other part vehicles?

Wit: Yes, it was my vehicle.

**Anthony Scicluna, testified as follows :**

Court:

Wit: I swear. I am representing Café Jubilee.

Adv: Mr. Scicluna can you please can you please specify to the court whether asserting Kenenth Mifsud with ID number 469687M was ever employed with the company?

Wit: Yes, he was.

Adv: Can you indicate the period when he was so employed?

Wit: 6 to 5 years ago over.

Adv: Is he still employed with ther company?

Wit: No.

Adv: When did he stop being so employed?

Wit: I have no idea but it was just before COVID maybe 2020.

Adv: Would you be able to produce the engagement form and termination forms please?

Wit: No, I can't. He was not registered.

Court: Stop he is not giving evidence anymore, you have the right not to give evidence because ypu can incriminate yourself.

Wit: I choose not to give evidence ok ok.

**Dr Ingrid Zammit Young** exhibited Dok IZY

### **Considerations of this court**

There is insufficient evidence regarding whether the accused drove on from a traffic light when the light was red. Moreover, there is no indication regarding that Dok P1 to P8, photos were confirmed on oath and by whom they were exhibited. Therefore, the degree of evidence is not beyond a reasonable doubt as required in a criminal court.

### **Decide**

For these reasons and after having seen 226(a) of Chapter 9 and 15(1)(a)(2)(3), of Chapter 65 of the Laws of Malta finds the accused Petru Dorin Nagoe is not guilty of the charges.

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

**Doris Serpina Sciberras**

**Deputy Registrar**



