



**IN THE COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE**

**Magistrate Dr. Jean Paul Grech B.A., LL.D
M.Juris (Int. Law), Adv. Trib. Eccl. Melit**

JUDGEMENT

Given today, Friday the eleventh (11th) April 2025

Case Number 438/2024

The Police
(Senior Inspector Keith Xerri)

Vs

Kevin Hodkin

The Court,

Having seen the charges brought against **Kevin Hodkin**, son of George William Hodkin and Ivy Hodkin nee' Bunting, born on the eleventh (11th) of December 1954 in the United Kingdom and residing at Clear Point, Flat 3, Triq ta' Gorf, Xagħra, Gozo, and holder of Maltese residence permit number 0054602(A), for having:

(1) on the thirtieth (30th) of May 2024 between quarter to seven (18:45hrs) and nine o' clock in the evening (21:00hrs), in the Maltese Islands, without

reasonable excuse contravened any prohibition or restriction imposed upon him by an order under article 412C of Chapter 9 of the Laws of Malta;¹

(2) also on the thirtieth (30th) of May 2024 between quarter to seven (18:45hrs) and nine o' clock in the evening (21:00hrs), in the Maltese Islands, uttered insults or threats to Lesley Karon Hodkin, or if being provoked, carried his insult beyond the limit warranted by the provocation;²

(3) also on the thirtieth (30th) of May 2024 between quarter to seven (18:45hrs) and nine o' clock in the evening (21:00hrs), in the Maltese Islands, by means of an electronic communications network or apparatus threatened Lesley Karon Hodkin with the commission of a crime or with intent to extort money or any other thing, or to make any gain, or with intent to induce Lesley Karon Hodkin to do or omit from doing anything, threatened to accuse or to make a complaint against, or to defame, Lesley Karon Hodkin or made any other improper use thereof.³

The Court was kindly requested to treat the case as a case of Domestic Violence according to Chapter 581 of the Laws of Malta.

The Court was requested that in case of guilt, to provide for the safety of Lesley Karon Hodkin according to the terms of article 382A et. seq of Chapter 9 of the Laws of Malta.

The Court was also humbly requested to condemn the accused in case of guilt for the payment of any costs related to the appointment of experts in the proceedings as contemplated in article 533 of Chapter 9 of the Laws of Malta.

Having seen the documents filed by the Prosecuting Officer;

¹ Articles 412C (1)(4)(5)(6)(7)(8)(9)(11) of of Chapter 9 of the Laws of Malta.

² Article 339(e) of Chapter 9 of the Laws of Malta.

³ Article 49(a)(b)(c) of Chapter 399 of the Laws of Malta.

Having heard the evidence;

Having heard that during today's sitting the accused admit to all charges brought against him;

Having warned the accused in the most solemn manner about the legal consequences emanating from such a declaration of guilt;

Having given to him adequate time to reconsider his guilty plea;

Having heard the accused reconfirm his guilty plea;

Having seen that there are no valid reasons in accordance with article 392A(3) of Chapter 9 of the Laws of Malta for the Court to doubt whether the offences have really taken place and nor to doubt whether the accused is guilty of the offences brought against him;

Having heard submissions on punishment by the Prosecuting Officers and the Defence;

Considers;

This case concerns a report filed by Lesley Karon Hodkin on the thirty-first (31st) of May 2024. She reported that she had had a Protection Order issued by Magistrate Dr. Jean Paul Grech on the thirtieth (30th) of May 2024 during a Court sitting held in the morning. The complainant stated that on the thirtieth (30th) of May 2024 at approximately seven thirty-six in the evening (19:36hrs), she received an email from Kevin Hodkin containing threatening language and insults.

In response to this report and given that the Protection Order had been breached within a few hours of its issuance, a search and arrest warrant was requested from Duty Magistrate Dr. Brigitte Sultana, which was granted on the thirty-first (31st) May 2024. On the same day, the Police arrested the

accused and proceeded to confiscate four electronic devices from his residence.

Considers;

Since the accused admitted to the charges, the Court has no option but to find the accused guilty of all charges brought against him.

- **Decide:**

Consequently following the accused's unconditional guilty plea, the Court after having seen articles 17, 412C(1)(4)(5)(6)(7)(8)(9)(11) and 339(e) of Chapter 9 of the Laws of Malta and articles 49(a)(b)(c) of Chapter 399 of the Laws of Malta, the Court is finding the accused guilty of all charges brought against him and is condemning him to **five (5) months imprisonment, but orders that this sentence is not to take effect unless during a period two (2) years from today, the offender commits another offence punishable with imprisonment.** It is also condemning him to **a fine (multa) of one hundred and fifty euro (€150).**

In terms of article 28A(4) of Chapter 9, the Court explained to the offender in ordinary language his liability under article 28B of Chapter 9, if during the operational period of this judgment he commits another offence punishable with imprisonment.

Finally, the Court after having seen article 382A of Chapter 9 and since there exist the circumstances contemplated in article 412C(1) of Chapter 9, is **issuing a restraining order against the offender and in favour of Lesley Karon Hodkin, and this for a period of three (3) years from today.** This restraining order is subject to the conditions listed in the decree attached to this Court judgment and which shall form an integral part of the same.

(sgd.) Dr. Jean Paul Grech
Magistrate

(sgd.) Diane Farrugia
Deputy Registrar

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For The Registrar