

# **The Court of Magistrates (Malta)**

## **As a Court of Court of Criminal Judicature**

*Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)*

**The Police**

**(Inspector Joseph Busuttil)**

**vs**

**GALINA IVANOVA**

The Court after seeing the charges in respect of **GALINA IVANOVA**, 26 years, daughter of Stagno and Atanaska, born on the 16<sup>th</sup> November 1989 in Bulgaria and residing at 10, Denzil, Triq Sir Charles Cameron, Gżira, Malta whereby she was charged with having “in Sir Hugo Mifsud Street and in Testa Ferrata Street Ta' Xbiex, and/or in any other place in the Maltese Islands, on the 26th January 2016, at about midnight and during the preceding days by several acts committed by her, even if at different times, which constitute violations of the same provision of the law, committed in pursuance of the same design:

- 1) You have stayed in any street or other public place or in any place exposed to the public loitering or soliciting for the purpose of prostitution 'or for other immoral purposes, in breach of article 7 (2) of chapter 63 of the laws of Malta;
- 2) I further accuse you that on the same date, time and circumstances you have disobeyed the lawful orders of any authority or of any person

entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, Art 338(ee) of chapter 9 of the laws of Malta.

3) I further accuse you that on the same date, time and circumstances except in the cases specially provided for in this Code or in any other law, you performed any act without a licence from the competent authority, when such licence is required by any law or by any regulation made by the competent authority thereunder.

Article 338gg of Chapter 9 of the laws of Malta.

4) I further accuse you that on the same date, time and circumstances your identity document has been lost, stolen, destroyed or defaced, and you have failed to report such incident, without any delay;

Article 20 of Chapter 258 of the laws of Malta.”

Having seen that during the first sitting in reply to the question posed by the Court as to what she pleaded to the charge being proffered against her the accused declared that she was guilty as charged.

In view of this declaration the Court warned the accused in the most solemn manner about the consequences arising from her guilty plea and

granted her sufficient time in order for her to retract this guilty plea, had she so wished. After that the Court granted this time to the accused, and after consulting with her Legal Counsel, the accused reiterated that she was guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused.

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused.

The Prosecuting officer declared that :-

1. in the circumstances it transpires that the accused has a clean criminal record sheet and she was not a habitual to the area in question, this having been the first time that she was apprehended in the same area;
2. the punishment of imprisonment suspended for a period of time would be the most appropriate punishment.
3. As for the fourth charge the Prosecuting officer declared that the punishment ought to be meted out in terms of Article 24(1) and not (2) of the said Act.

Defense Counsel submitted that:

1. The accused has a clean record sheet;
2. she will soon leave the Maltese islands;
3. That she was not in possession of a Maltese identification card and therefore even though she pleaded guilty to the fourth charge, the Court has to take this fact into consideration when meting out punishment.
4. The accused was registering a guilty plea at the earliest stage of these proceedings and therefore qualified for a “discount” in the punishment that ought to be meted out.

**This Court considered that :-**

In view of her unconditional guilty plea the Court is bound to find the accused guilty as charged.

**Decide :-**

Consequently, this Court, having seen Article 7(2) of Chapter 63, Articles 17, 338(ee) and 338(gg) of Chapter 9 and Articles 20 and 24(1) of Chapter 258 all of the Laws of Malta finds the accused GALINA IVANOVA guilty as charged and condemns her, in relation to the first three charges to the punishment of imprisonment for a period of two months; however having seen Article 28A of the Criminal Code, the Court orders

that this sentence shall not take effect unless during a period of one year from today the offender commits another offence punishable with imprisonment and thereafter a Court orders in terms of Article 28B of the Criminal code that the original sentence shall take affect.

Furthermore in terms of Article 28A(4) of the Criminal Code the Court declares that it explained to the offender in ordinary language her liability in terms of article 28(3) of the Criminal Code if during the operational period she commits an offence punishable with imprisonment.

Furthermore and limitedly to the fourth charge, the Court condemns the accused to a payment of a fine of 100 euros to be paid within eight days.

Moreover, for the purpose of providing for the safety of the person charged, for the keeping of the public peace or for the purpose of protecting the accused from harassment or other conduct which will cause a fear of violence against her after having seen Articles 382A and 412C of the Criminal Code, the Court is restraining the accused from frequenting the Testaferrata Street in Gzira and ta' Xbiex for a period of one year.

**Delivered today the 27th January 2016 at the Courts of Justice in Valletta, Malta.**

*Aaron M. Bugeja*