



THE COURT OF MAGISTRATES (MALTA)

As a Court of Criminal Judicature

MAGISTRATE

DR. CAROLINE FARRUGIA FRENDO

*B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.*

Case number 460/2016 CFF

The Police

Inspector Maurice Curmi

vs

Vladimirs Moticko

Today Thursday 1st December, 2016

The Court

Having seen the charges brought against Vladimirs Moticko, holder of ID card number 74733A.

As he is being charged with having on the 19 August, 2016 at about 23:30 hrs in St. Paul's Bay, without the intent to kill or put the life of Tiziana Pane holder of ID card number 476385M, (with whom he lived in the same household and have a child in common), in manifest jeopardy caused her grievous bodily harm as was certified by Dr. Kimberly Caruana MD (Med. Reg number 3959) of Mater Dei Hospital, according to Article 214 and 216 of Chapter 9 of the Laws of Malta;

Moreover, he is being accused also for having on the same date, time, place and circumstances, with his course of conduct caused fear to Tiziana Pane with whom he

lived in the same household and have a child in common, that violence will be used against her, according to Article 251B(1) of Chapter 9 of the Laws of Malta;

Furthermore, this honourable court is humbly requested that if the accused is found guilty, apart from the punishment prescribed by law, orders the person convicted to the payment of the cost incurred in connection with the employment in the proceedings of any expert or referee, according to article 532A, 532B and 533 Chapter 9 of the Laws of Malta.

Having seen the Prosecuting Officer read out and confirm on oath the charges brought against the accused during the sitting of the 10th November, 2016.

Having seen all the documents exhibited in this case which are; a copy of the residence document of the accused; the accused's conviction sheet; the consent of the Attorney General in the Maltese language and the consent of the Attorney General in the English language so that the case be dealt with summarily.

Having heard the accused during the sitting dated 10th of November 2016 register a guilty plea to all the charges brought against him, after he was duly examined.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

After hearing oral submissions regarding punishment.

Considered:

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

Regarding punishment, the Court took into consideration the guilty plea at such an early stage of the proceedings, in thus the court did not have to waste time in gathering further evidence, the accused's clear conviction sheet produced by the prosecution and the fact that the accused has collaborated fully with the police pending their investigation. The Court considered also the fact that the prosecution suggested that the accused be awarded a Probation Order.

The Court is also of the opinion that the accused should benefit from this chance to be helped and address all his problems by means of a probation order.

Decide:-

Thus the Court after having seen the relevant sections at law in particular Articles 214, 216 and 251B(1) of Chapter 9 of the Laws of Malta decides to find the accused VLADIMIRS MOTICKO guilty of the charges brought against him by the prosecution and puts him under a Probation Order for a period of twenty-four (24) months from today in terms of Section 7(1) of Chapter 446 of the Laws of Malta, with the conditions in the same Probation Order herewith attached and which forms an integral part of this judgement.

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed his will that he will abide by this Probation Order.

The Court orders that a copy of the Probation order be given to the probationer and another copy be sent to the Director Probation Services and Parole so that he assigns a probation officer to be responsible for the supervision of the probationer.

The Court has seen also that in the circumstances, it would be better for the accused to be placed under a treatment order so that he can overcome his anger management problems and his alcohol addiction problems which are serving as a means to commit

these offences. Therefore, in terms of Article 412D of Chapter 9 of the Laws of Malta, the Court is placing the offender under a Treatment Order for anger management and alcohol addiction and this for a period of twenty four (24) months from today. The Court has explained the legal implications of this order, and the consequences in the case that he does conform with such order.

Dr. Caroline Farrugia Frendo LL.D.
Magistrate

Nadia Ciappara
Deputy Registrar