



**Court of Magistrates (Malta)  
As a Court of Criminal Judicature**

**Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)**

**The Police  
(Superintendent Josric Mifsud)  
(Inspector Paula Ciantar)**

**-vs-**

**Roddy Swinton Williams, holder of Seychelles passport number N0046306  
and residence permit 143177A**

Today the 20<sup>th</sup> May, 2019

The Court,

Having seen the charge brought against the accused **Roddy Swinton Williams** who is being charged:

For having between the 1<sup>st</sup> March, 2019, and the 15<sup>th</sup> April, 2019, in Qormi and on these Islands, by means of several acts committed, even if at different times, which constituted violations of the same provision of the law, and were committed in pursuance of the same design, failed to observe any of the conditions imposed by means of the decree issued by Hon. Judge Dr. A. Mizzi LL.D on the 9<sup>th</sup> March, 2018 and confirmed on the 30<sup>th</sup> October, 2018, which conditions have been altered as per decree issued by Magistrate C. Stafrace Zammit on the 22<sup>nd</sup> November, 2018 by which Roddy Swinton Williams was granted bail against a guarantee;

The Court was requested that in addition to the penalty applicable to the aforementioned offences, the decree by means of which Roddy Swinton Williams was granted bail is revoked *contrario imperio* and an order for the re-arrest of said Roddy Swinton Williams is issued. The Court is also requested to order the forfeiture of the sums stated in the bail bond in favour of the Government of Malta.

Having Considered:

Whereas during the sitting of the 6th May, 2019, the accused plead guilty to the charge brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard the accused re-iterate his guilty plea after the court warned him of the punishment and consequences such an admission entailed;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charge brought against him, the Court has no alternative but to declare the accused guilty of the said charge.

With regards to punishment the Court considered the accused's relatively early admission of guilt, his criminal record from which it is readily evident that the accused besides not being a *first-time offender*, appears to have difficulty observing and abiding by Court orders. Consideration was also given to the fact that there were several breaches of his bail conditions.

Whereas the accused has been charged with the offence provided for in terms of article 579(2) of the Criminal Code which leaves the Court with no discretion as regards the forfeiture of the bail bond which is a **mandatory consequence of a conviction** under this same article which provides:

(2) Any person who fails to observe any of the conditions imposed by the court in its decree granting bail shall be guilty of an offence and shall, on conviction, be liable to the punishment of a fine (*multa*) or to a term of imprisonment from four months to two years, or to both such fine and imprisonment and the sum stated in the bail bond shall be forfeited to the Government of Malta.

For the said reasons the Court, after having seen sections 17, 18, 31 and 579 of Chapter IX of the Laws of Malta, finds the accused guilty of the charge brought against him and condemns him to nine (9) months imprisonment.

The Court is also ordering the forfeiture in favour of the Government of Malta of the sum of sixty three thousand Euro (€63,000) representing the deposit and personal guarantee referred to in the bail bond as amended by the Court of Magistrates which set a deposit of three thousand Euro (€3,000)<sup>1</sup> in addition to a personal guarantee of sixty thousand Euro (€60,000).<sup>2</sup>

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<sup>1</sup> Fol.40

<sup>2</sup> Fol.38,

Moreover, the Court is revoking the decree delivered by the Court of Magistrates (Malta) of the 9<sup>th</sup> March, 2018<sup>3</sup> by means of which the accused was released on bail and is consequently ordering his immediate re-arrest.

**Dr. Donatella M. Frendo Dimech LL.D., Mag.Jur. (Int. Law)**  
**Magistrate**

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<sup>3</sup> As amended by decrees by the Court of Magistrates (Malta) dated the 17<sup>th</sup> April, 2018, 25<sup>th</sup> May, 2018 and the 25<sup>th</sup> October, 2018, fol.38-40