



THE COURT OF MAGISTRATES (MALTA)
As a Court of Criminal Inquiry

MAGISTRATE
DR. CAROLINE FARRUGIA FRENDO
B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.

Case number 603/2018 CFF

The Police
Inspector Oriana Spiteri
vs
Shannon Williams

Today Thursday, 23rd May, 2019

The Court:

Having seen the charges brought against Shannon William, holder of UK Passport 520902159;

Charged her with having during the month of September 2018 and the preceding months in Marsascala, with several acts committed, in different times which violates the same provisions of the law or of related provisions of the law and committed with the same design;

1. By means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or

apprehension of any chimerical event, made gain to the prejudice of Joseph and Antonia Degiorgio in terms of Art 18, Art 308 of Chapter 9 of the Laws of Malta;

2. Made to the prejudice of Joseph and Antonia Degiorgio or of any other person, any other fraudulent gain not specified in the preceding articles of this sub-title to the prejudice of Joseph and Antonia Degiorgio which gain exceeds 1000 Euros in terms of Art 18, Art 309 and Art 310 of Chapter 9 of the Laws of Malta;
3. Committed theft which value exceeds the amount of two hundred and thirty two euro and ninety four cents (232.94) to the detriment of Antonia and Joseph, in terms of Art 267 and Art 268(b) of Chapter 9 of the Laws of Malta;
4. Without the intent to steal or to cause any wrongful damage, but only in the exercise of a pretended right, disturbed the possession of anything enjoyed by another person or in any other manner unlawfully interfered with the property of another person to the detriment of Joseph and Antonia Degiorgio in terms of Art 18, Art 85 of Chapter 9 of the Laws of Malta;
5. Committed any other violation of another person's property, to the prejudice of the owner being Joseph and Antonia Degiorgio not specified in the preceding paragraphs of this article, nor otherwise provided for in this Code in terms of Art 18, Art 340(d) of Chapter 9 of the Laws of Malta.

And also accused that on the 14th August, 2018 at about 10:55 hrs in Marsascala;

6. With the intent to grievously injure Antonia and Joseph Degiorgio, manifested such intent by over acts which were followed by a commencement of the execution of the crime, but the crime was not completed in consequence of some accidental cause independent of the will of the offender in terms of Art 41 of Chapter 9 of the Laws of Malta;
7. Without inflicting any wound or blow, threatened others with stones or other hard substances, or threw the same, or took up any other weapon against Antonia and Joseph Degiorgio, in terms of Art 339(1)(b) of Chapter 9 of the Laws of Malta;

8. Uttered insults, or threats not otherwise provided for in this Code, or being provoked, carried insults beyond the limit warranted by the provocation, in terms of Art 339(1)€ of Chapter 9 of the Laws of Malta;
9. In any manner not otherwise provided for in this Code, wilfully disturbed the public good order or the public peace, in terms of Art. 338(dd) of Chapter 9 of the Laws of Malta;

The Court is requested to treat Shannon Williams as a recidivist from the following sentences given by the Court of Malta: the Court presided by Magistrate Dr. A. Bugeja LL.D. which sentences are definite and cannot be changed in terms of Art. 49, 50 and 289 of Chapter 9 of the Laws of Malta.

Having seen the Prosecuting Officer read out and confirming on oath the charges brought against the accused during the sitting of the 19th September, 2018.

Having seen all the documents exhibited in this case which are; the conviction sheet marked as Doc OS1, current incident report dated 19th July, 2018 marked as Doc OS2, current incident report dated 14th August, 2018 marked as Doc OS3, declaration where the accused renounced her right to consult with a lawyer before interrogation marked as Doc OS4, statement marked as Doc OC5, receipts by Forestals marked as Doc OS7, photographs marked as Doc OS8, current incident report dated 14th August, 2018 marked as Doc KDU1, a document by Identity Malta marked as Doc JR1, judgment dated 20th March, 2019 marked as Doc OS9, judgment dated 1st December, 2015 marked as Doc OS10.

Inspector Oriana Spiteri testified that in the month of July, she received a report lodged by Antonia and Joseph Degiorgio reporting fraud whilst signing the contract of their property. They claimed that the contract was signed by a Shelly Cachia with a Maltese identity card number, but from investigations, it transpired that this person was Shannon Lee Williams who had no identity card as is a UK citizen. Shelly Cachia had no ties with the Degiorgio's. Shannon Lee Williams failed to pay her rent for the months from June

and September. Inspector Spiteri was informed that the Degiorgio's were will to drop all charges against the accused if the latter removed herself from their property. Shannon William's lawyer Dr. Noel Bianco tried to resolve this issue peacefully but no agreement was reached. Inspector Spiteri tried to contact Ms. Williams but could not reach her. Ms. William contacted Inspector Spiteri a while later explaining that she had just come out of the hospital to find that the electricity had been cut, and therefore she had no way to phone or charge her phone. On the 14th August, 2018 the Degiorgio's lodged a report stating that whilst walking near their property in Marsacala, they noticed that the windows were open and since it was raining, they decided to speak to Ms. William to close the windows. Once, Ms. William opened the door, she started insulting the Degiorgio's and throwing objects in their direction. Even after they left, Ms. William was still throwing glass objects towards the Degiorgio's. Luckily, they were not hurt. Inspector Spiteri spoke to the duty Magistrate and a warrant of arrest was issued, however when the police went to execute said warrant, Ms. Williams was nowhere to be found. On the 17th September, 2018, the Degiorgio's lodged a report that their television and a DVD were stolen and on the 18th September, 2018 the Police went to Ms. Williams grandmothers' residence in Zabbar where Ms. William was found on the floor watching television. The police searched the house for the stolen televisions and DVD but failed to find anything. Ms. William was then arraigned.

PC 737 Kurt Dylan Underwood confirmed that on the 14th August, 2018, he was the one who took the Degiorgio's report saying that Shannon Williams had insulted them.

During the sitting of the 23rd May, 2019, the injured parties Joseph and Antonia Degiorgio declared that the accused has paid them the damages that they have suffered and declared further that they have no interest in this case and longer and they are withdrawing the charges that can be withdrawn.

The Court heard the accused register a guilty plea.

The Court has given the accused sufficient time to reconsider such guilty plea, has ordered the accused to consult with her lawyer of such guilty plea, and has explained the

punishment that may be given in relation to the charges brought against her. The accused confirmed her guilty plea.

After hearing oral submissions regarding punishment.

Considered:

The Court, after having seen the charges brought against the accused, after having seen the evidence presented by the Prosecution and after having heard the accused register a guilty plea even after the Court had given the accused sufficient time to reconsider their guilty plea and after the Court ordered the accused to consult with their lawyer over such guilty plea, they confirmed their plea, therefore, the Court finds the accused guilty.

The Court after having heard both the Prosecution and the Defence agree on a punishment to be given, and after having heard that the injured parties have been paid their damages due and were withdrawing their complaint, deems that in these circumstances a judgement imposing an effective prison sentence would not be fit.

Decide:

The Court after having seen Articles 18, 308, 309, 310, 267, 268(b), 85, 340(d), 41, 339(1)(b), 339(1)(e), 338(dd), 49, 50 and 289 of Chapter 9 of the Laws of Malta, does not find the accused guilty of the eighth charge since this was withdrawn by the injured parties, finds her guilty of all the other charges applies Article 28A of Chapter 9 of the Laws of Malta, and condemns the accused to a period of twenty four (24) months imprisonment which are being suspended for a period of four (4) years from today.

In terms, of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Article 392A(2) of the Criminal Code the Court orders that this judgment together with the record of the proceedings be transmitted to the Attorney General in terms of Law.

Dr. Caroline Farrugia Frendo LL.D.

Magistrate

Nadia Ciappara

Deputy Registrar