

Criminal Court

Hon. Madame Justice Dr. Consuelo Scerri Herrera LL.D.

The Police

Inspector James Grech

Inspector Sarah Zerafa

Vs

Michael Emmanuel

Today the 5th July, 2019,

The Court,

Having seen the charges brought against Michael Emmanuel holder of document with number 74870A:

Accused with having on the night of the 14th September, 2018 and before seven o'clock (7am) of the 15th September, 2018 in Rahal il-Gdid:

1. Maliciously, with intent to kill or put the life of Maria-Lourdes Agius in manifest jeopardy, caused her death;

Moreover, for having on the 13th September, 2018 at about half five in the afternoon (5.30pm) in Rahal il-Gdid:

2. With intent to commit grievous bodily harm on the person of Maria Agius, a person who has attained the age of sixty years and a person living in the same household, as well as on the person of Maria-Lourdes Agius, a person with whom he had a child in common and/or a person living in the same household and/or a person who had lived with within a period of three years preceding the offence, manifested such intent by overt acts followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of his will;

3. Moreover for having on the same day and in the same circumstances caused harm to the body or health of Maria Agius a person who has attained the age of sixty years and a person living in the same household, as well as on the person of Maria-Lourdes Agius, a person with whom he had a child in common and/or a person living in the same household and/or a person who had lived with within a period of three years preceding the offence, which harm is deemed to be of slight nature;
4. Furthermore, for having on the 14th of September, 2018 and/or during the previous months, by several acts, even if committed at different times, which constitute violations of the same provisions of the law or of related provision of the law, and committed in pursuance of the same design, as a person who knows or ought to know that Maria Agius, a person of 64 years of age, is an elder or a dependent adult and who, under circumstances or conditions likely to produce grievous bodily harm or death, wilfully caused or permitted Maria Agius, a dependent adult to suffer, or inflicted on such person unjustifiable physical pain or mental suffering, or having the care or custody of the same elder or dependent adult, wilfully caused or permitted the person or health of the elder or dependent adult to be injured, or wilfully caused or permitted the elder or dependent adult to be injured, or wilfully caused or permitted the elder or dependent adult to be placed in a situation in which her person or health is endangered.

Also accused of having on the 14th September, 2018:

5. Disobeyed the lawful orders of any authority or of any person entrusted with a public service.

Also accused further of having in the past months, in these islands:

6. Forged, altered or tampered with a Greek Identity Card or document, or used or had in his possession a Greek identity card or document, which he knew to be forged, altered or tampered with;
7. Committed any other kind of forgery, or knowingly made use of any other forged document (Greek driving license);

8. Forged any document or true copy of a document or an entry made in pursuance to Chapter 217, the Immigration Act, of the Laws of Malta;
9. Without lawful authority used or had in his possession any document required for the purpose of Chapter 217, the Immigration Act, of the Laws of Malta.

Having seen the application of the Attorney General presented in the registry of this Court on the 8th of April, 2019 wherein, in terms of article 402(5) of the Criminal Code submitted the issue of insanity to the Criminal Court.

Having seen the verdict of the jury of this same day wherein:

First Charge

The jury with eight (8) votes in favour and one (1) vote against, find Michael Emmanuel not to have been in a state of legal insanity in terms of the first charge brought against him.

Second Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the second charge brought against him.

Third Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the third charge brought against him.

Fourth Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the fourth charge brought against him.

Fifth Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the fifth charge brought against him.

Sixth Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the sixth charge brought against him.

Seventh Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the seventh charge brought against him.

Eight Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the eight charge brought against him.

Ninth Charge

The jury unanimously find Michael Emmanuel not to have been in a state of legal insanity in terms of the ninth charge brought against him.

Having seen articles 33 (a), 402, 620, 627 u 628 of the Criminal Code.

Consequently declares Michael Emmanuel not to have been in a state of insanity at the time of the commission of the acts. Thus, orders that the acts of these proceedings are remitted before the Court of Magistrates (Malta) as a Court of Criminal Inquiry so that there may be the continuation of the compilation of evidence in his regard.

(ft) Consuelo Scerri Herrera

Judge

TRUE COPY

Franklin Calleja

Deputy Registrar