



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

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

**The Police
(Inspector Silvio Magro)**

-vs-

**Jelena Jurievna Kensborn holder of Maltese residence permit no. 0202964A
and Swedish passport no.90628382**

Criminal Inquiry No.: 742/2019

Today, the 13th day of January, 2020

The Court,

Having seen the charges brought against the accused **Jelena Jurievna Kensborn** for having:

On the 13th December, 2019, at the Malta International Airport between 05:30Hrs and 06:30Hrs :-

1. With the intent to harm Dorian Fenech, PS 1449 D. Parnis, WPC 235 V. Schembri, WPC 243 G. Farrugia, WPC 290 K.Delia, PC 480 C. Diacono and PC 30 M. Cachia Duty manager with Airmalta before a competent authority with an offence of which she knew such person was innocent; *[sic]*
2. with having on the same date, time and place, resisted by active force not amounting to public violence, PS 1449 D. Parnis, WPC 235 V.S chembri, WPC 243 G. Farrugia, WPC 290 K. Delia, PC 480 C. Diacono and PC 30 M. Cachia, persons lawfully charged with public duty when in the execution

of the law or of a lawful order issued by a competent authority and this in breach of Article 96(1) of Chapter 9 of the laws of Malta;

3. with having on the same date, time, place and circumstances, having disobeyed the lawful orders of any authority or of any person entrusted with a public service PS 1449 D. Parnis, WPC235 V. Schembri, WPC 243 G. Farrugia, WPC 290 K. Delia and PC 30 M. Cachia, or hindered or obstructed such person in the exercise of his duties and this in breach of Article 338(ee) of Chapter 9 of the laws of Malta;
4. with having on the same date, time, place and circumstances, wilfully disturbed the public good order or the public peace, and this in breach of Article 338(dd) of Chapter 9 of the laws of Malta;
5. in any public place or place open to the public, was drunk and incapable of taking care of himself; or in any public place or place open to the public, and this in breach of Art 338 (ff) Chapter 9 of the laws of Malta; *[sic]*
6. having during the same period, committed theft of various items to the detriment of Nuance Group (perfumery/groceries) and also Hard Rock Café (t-shirts), for the total amount of more than two hundred and thirty two euros and ninety four cents but under two thousand, three hundred and twenty nine euros and thirty seven cents.

Having heard the prosecution withdraw the second charge.

Whereas during the sitting held today, the accused plead guilty to the charges brought against her, as amended, notwithstanding the fact that the Court warned her in the most solemn manner of the legal consequences of her guilty plea, and after having given her sufficient time within which to reconsider and withdraw her guilty plea;

Having heard the accused re-iterate her guilty plea after the court warned her 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 charges brought against her, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court considered the nature of the offences brought against the accused, her early admission of guilt, her clean criminal record and all other circumstances of the case.

For the said reasons the Court, whilst abstaining from taking further cognisance of the second charge, after having seen articles 17, 31, 101(1)(a), 261(c)(f), 267, 270, 279(a), 280(1) and 338(dd)(ee)(ff) of the Criminal Code, Chapter IX of the Laws of Malta, finds the accused guilty of the charges brought against her and condemns her to two (2) years imprisonment which by application of Article 28A of the Criminal Code are being suspended for 3 years from today. The accused is also being condemned to the payment of €150 *ammenda*.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should she fail to observe the conditions imposed.

The Court was precluded from making an order in terms of article 532A of the Criminal Code given that prosecution failed to produce evidence of the value of the *res furtiva*.

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