



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

Magistrat Dr. Monica Vella LL.D., M.Jur

**The Police
(Inspector John Spiteri)
(Inspector Kylie Borg)**

vs

Siyaka Fatty

Today, 27th March 2019

The Court;

Having seen the accusations brought against:

“Siyaka Fatty, holder of Gambian Passport PC594125”;

Accused of having:

“taken part in sexual activities with a person who has not completed the age of sixteen years, namely Shanaia Grima ID: 11407L and hence

a vulnerable person. (*Art. 204C; Art 208AC(1) (b) 2 (a) of Chapter 9 of the Laws of Malta*)

And more of having on the same date, place, time and circumstances, by lewd acts, defiled a person who has not completed the age of sixteen years, namely Shanaia Grima ID: 11407L; (*Art. 203(1) of Chapter 9 of the Laws of Malta*)

And more of having on the same date, place, time and circumstances committed a non-consensual act of a sexual nature on the person of Shanaia Grima ID. 11407L, a crime committed on a minor and hence a vulnerable person. (*Art. 207; Art. 202(g); Art. 208AC(i)(b)(2)(a) of Chapter 9 of the Laws of Malta*)

The Court is also being humbly requested to provide for the safety of Shanaia Grima in accordance with Article 383, 384, 385 of Chapter 9 of the Laws of Malta.

The Court is humbly requested to provide for the safety of Shanaia Ghrima by issuing a Protection Order in accordance with the provisions of Article 412C of Chapter 9 of the Laws of Malta under such restrictions or prohibitions as the Court may consider necessary;

The Court is finally being humbly requested, in pronouncing judgment or in any subsequent order, sentence the aforementioned Siyaka Fatty to the payment, wholly or in part, of the costs incurred in connection with the employment in the proceedings of any expert or referee in accordance with Article 533 of Chapter 9 of the Laws of Malta.

Having heard the guilty plea of the accused, as duly registered in today's sitting being the first sitting of these proceedings;

Having seen the records of the case;

Having heard the submissions made by the Prosecution and by the Defence;

Having duly considered all the records of the case and all submissions made;

Considers:

That upon the accused's guilty plea the Court finds the accused guilty as charged;

That in pronouncing its judgement the Court is hereby taking into consideration the fact that the accused is a first time offender here in Malta, that the accused registered an early guilty plea, that the accused apologized for his acts and collaborated with the Police, the age of the accused and also the nature and gravity of the accusations with which he is charged;

Thus, having seen Articles 202 (g), 203 (1), 204C, 207, 208ACi (b) (2) (a), Art 208 AC (1) (b) 2 (a) of Chapter 9 of the Laws of Malta, the Court deals with the accused by conditionally discharging him with the specific condition that he does not commit any other offence within a period of three (3) years from today and this under Article 22 of Chapter 446 of the Laws of Malta. Moreover, the Court is putting the accused under a Probation Order for three years from today and this under Article 7 of

Chapter 446 and is issuing a Protection Order in favour of the alleged victim Shanaia Grima under Article 412 (C) of Chapter 9 of the laws of Malta.

The Court explained to the accused in simple and clear language his obligations arising out of this judgement and the consequences should he not abide by the said judgement.

(ft) Magistrate Dr. Monica Vella LL.D, M. Jur.

(ft) Angelo Buttigieg
Deputy Registrar