



THE COURT OF MAGISTRATES (MALTA)

As a Court of Criminal Judicature

MAGISTRATE

DR. CAROLINE FARRUGIA FRENDO

*B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.*

The Police

Inspector Joseph Xerri

vs

Marina Sergeevna Bushaeva

Today 23rd August, 2020

The Court:

Having seen the charges brought against Marina Sergeevna Bushaeva, holder of the Maltese identity card number 0147712L;

And accused for having on the twenty second (22) of August, 2020 at around quarter to one in the morning (0045hrs) and the previous hours in San Giljan and other localities in these Islands:

1. Used violence, including moral and, or, psychological violence, and, or coercion, in order to compel Raymond Mifsud to do, suffer or omit anything or to diminish Raymond Mifsud's abilities which violence was committed with the use or threat of a weapon;

Articles 251(1), 261H(g) and 251HA of Chapter 9 of the Laws of Malta;

2. Caused Raymond Mifsud fear that violence will be used against him or his property or against the person or property of any of his ascendants, descendants, brothers or sisters of any other family members which violence was caused with the use or threat of a weapon;
Articles 251(3), 251H(g) and 251HA of Chapter 9 of the Laws of Malta;
3. At the time of committing a crime against the safety of the government or against the person, or of theft, or injury to property, had on her person any arm proper or ammunition or any imitation thereof;
Article 55(a) of Chapter 480 of the Laws of Malta;
4. Used an airsoft outside the designated areas approved by the Weapons Board;
Regulations 91 and 94 of Subsidiary Legislation 480.02;
5. Without inflicting any wound or blow, threatened Raymond Mifsud with stones or other hard substances, or threw the same, or took up any other weapon against Raymond Mifsud;
Article 339(1)(b) of Chapter 9 of the Laws of Malta;
6. Uttered insults or threats towards Raymond Mifsud, or while being provoked, carried her insult beyond the limit warranted by the provocation;
Article 339(1)(e) of Chapter 9 of the Laws of Malta;

This honourable Court is kindly asked to issue a Protection Order against the accused to provide for the security of Raymond Mifsud, or for the keeping of public peace or for the purpose of protecting the injured party or other individuals from harassment or other conduct which will cause a fear of violence in terms of Article 412C of Chapter 9 of the Laws of Malta.

This Court is humbly requested, in case of guilt to order the forfeiture of the weapon in terms of Article 56 of Chapter 480 of the Laws of Malta.

The Court is requested, in case of guilt, to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed experts.

Having seen the Prosecuting Officer read out and confirming on oath the charges brought against the accused during the sitting of the 23rd August, 2020.

Having seen all the documents exhibited in this case which are; the consent of the Attorney General in the Maltese language marked as Doc JX1; consent of the Attorney General in the English language marked as Doc JX2; birth certificate of the accused marked as Doc JX3; conviction sheet marked as Doc JX4; current incident report marked as Doc JX5; statement of the accused dated 22nd August, 2020 marked as Doc JX6; weapon marked as Doc JX7 and the box where the weapon used to be kept marked as Doc JX8.

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.

The Court:

Has listened to the evidence brought forward;

Has heard the accused plead an unequivocal guilty plea;

Has heard oral submissions with regards to the punishment that ought to be inflicted.

Decide:

The Court, after having seen Articles 251(1)(3), 251H(g), 251HA, 339(1)(b)(e) of Chapter 9 of the Laws of Malta, Article 55(a) of Chapter 480 of the Laws of Malta and

Regulations 91 and 94 of Subsidiary Legislation 480.02, and upon hearing the accused register a guilty plea, does not have any other option but to find the accused Marina Sergeevna Busheava guilty, condemns the accused to a period of two years imprisonment which by application of Article 28A of Chapter 9 of the Laws of Malta, are being suspended for a period of four years, and orders the destruction of Document JX7 and Document JX8 presented during these proceedings.

The Court has explained this judgement to the accused according to Article 28B of Chapter 9 of the Laws of Malta.

Dr. Caroline Farrugia Frendo LL.D.
Magistrate

Nadia Ciappara
Deputy Registrar