



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. CHARMAINE GALEA**

Today 30th June 2022

Case Number 350/22

**The Police
(Inspector Sherona Buhagiar)**

vs.

**Tristan Borg
(ID: 372398M)**

The Court;

Having seen that **Tristan Borg** was charged with: “nhar id-29 ta’ Ġunju, 2022 u fix-xhur ta’ qabel f’diversi ħinijiet f’dawn il-Gzejjer Maltin;

1. Ikkaguna lill-eks sieħba tiegħu u ċioe’ **Zoya Wilson**, fastidju għal iktar minn darba u ġab ruħu b’mod li kien jaf jew li messu kien jaf li kien qed ikun ta’ fastidju għall-eks sieħba tiegħu Zoya Wilson

2. Issoġgetta lill-eks sieħba tiegħu u ċioe’ **Zoya Wilson** għal xi att u, jew imġieba li jkollhom konnotazzjonijiet sesswali, inklużi kliem bil-fomm, mossi u, jew għemil, il-wiri jew iċ-ċirkolazzjoni ta’ kliem miktuba, stampi, u, jew xi materjal ieħor, fejn dak l-att, kliem, u jew imġieba m’humix mixtieqa mill-vittma, u jkunu jistgħu raġonevolment jiġu kkunsidrati bħala offensivi, umiljanti, degradanti, u, jew intimidatorji lejha

3. Mingħajr il-ħsieb li joqtol jew li jqiegħed il-ħajja ta' **Zoya Wilson** f'periklu ċar, volontarjament ikkaġuna ħsara fil-ġisem jew fis-saħħa, u ċioe' offiża ta' natura ħafifa fuq l-eks sieħba tiegħu u ċioe' **Zoya Wilson** hekk kif iċċertifikaha Dr. David Barbara (Med. Reg. 4686)

4. B'mezz ta' karta miktuba, sew jekk anonima kemm jekk tkun iffirmata bl-isem tiegħu nnifsu jew b'isem maħluq, hedded b'xi delitt lill-eks sieħba tiegħu u ċioe' **Zoya Wilson**

5. Permezz ta' xi network jew apparat ta' komunikazzjoni elettronika, hedded li jagħmel xi reat, u/jew għamel użu ieħor mhux xieraq

6. Għamel ingurji jew theddid mhux imsemmijin band'oħra fil-Kodiċi Kriminali lill-eks sieħba tiegħu u ċioe' **Zoya Wilson**, jew jekk kien ipprovokat, ingurja b'mod li ħareġ barra mil-limiti tal-provokazzjoni

Il-Qorti ġiet mitluba li toħroġ Ordni ta' Protezzjoni, inkluża fil-mori tal-kawża kontra **Tristan Borg** a beneficiċju ta' **Zoya Wilson** u dan fit-termini tal-Artikolu 412Ċ tal-Kap 9 tal-Liġijiet ta Malta.

Il-Qorti ġiet ukoll f'każ ta' ħtija, sabiex tipprovdi għas-sigurta' ta' **Zoya Wilson** kif jew sabiex tinżamm il-bon ordni pubbliku, flimkien mal-piena applikabbli għar-reat, torbot lil **Tristan Borg** billi tapplika l-Artikoli 382A et seq tal-Kap 9 tal-Liġijiet ta' Malta, għal żmien li tħoss xieraq u, jew torbot lil **Tristan Borg** b'obligazzjoni tiegħu nnifsu taħt penali ta' somma flus li tiġi ffixxata mill-Qorti billi tapplika l-Artikoli 383 et seq tal-Kap 9 tal-Liġijiet ta' Malta, għal żmien li tħoss xieraq.

Il-Qorti ġiet mitluba sabiex f'każ ta' ħtija, minbarra li tinflinġi l-pieni stabbiliti mill-Liġi, tordna lill-imsemmi **Tristan Borg** sabiex iħallas l-ispejjeż li jkollhom x'jaqsmu mal-ħatra ta' esperti, jekk ikun il-każ, hekk kif ikkontemplat fl-Artikolu 533 tal-Kapitlu 9 tal-Liġijiet ta' Malta.”

Having seen the documents submitted by the Prosecution;

Having heard the accused plead guilty to all the charges which guilty plea was re confirmed after the Court explained to him the punishment relative to each charge;

Having heard submissions by the prosecution and the defence about the punishment to be meted out by this Court;

Considered that:

From the evidence brought forward and from the guilty plea registered by the defendant himself, the Court concludes that the defendant is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the defendant admitted to the charges at a very early stage of the proceedings, that he co-operated with the police, that the defendant has a clean conviction sheet and that he has had some medical problems which he is presently addressing.

The Court is of the opinion that the defendant should benefit from an opportunity to be helped address his problems by means of a probation order. However, the Court made it clear to the defendant that he has to strictly adhere to the conditions which will be imposed upon him and is to follow the probation officer's instructions in order not to end up facing a custodial sentence.

DECIDE

For these reasons the Court after having seen sections 202 (h) (vi), 214, 222 (1) (a), 249 (1), 251A(1) (a), (b) and (e), 251H (a) and (b) and 339 (e) of Chapter 9 of the Laws of Malta and article 49 (a) and (c) of Chapter 399 of the Laws of Malta, on his admission finds the defendant **Tristan Borg** guilty of all the charges brought against him and by application of Article 7 of Chapter 446 of the Laws of Malta puts the defendant under a **Probation Order for a period of three (3) years from today**, with the conditions in the same Probation Order herewith attached and which forms an integral part of this judgement.

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the defendant about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the defendant confirmed his will that he will abide by this Probation Order.

Additionally the Court, in terms of article 382A of the Criminal Code, is issuing a Restraining Order for a period of three (3) years to protect the person of Zoya Wilson, which Order forms an integral part of this judgement.

The Court orders that a copy of the Probation order be given to the probationer and another copy be sent to the Director Probation Services and Parole so that

she assigns a probation officer to be responsible for the supervision of the probationer.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar