



MALTA

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

**MAGISTRATE  
DR. CHARMAINE GALEA**

**Today the 04th May 2023**

**The Police  
(Inspector Sherona Buhagiar)**

**VS**

**Milosz Dlugosz  
(Holder of Polish Passport No: EM4793270)**

The Court,

Having seen that the defendant **Milosz Dlugosz** was charged with having on the 22nd April, 2023, between 04:30hrs and 05:00hrs at St. Pauls Bay and/or on the Maltese Islands:

1. Without the intent to kill or to put the life of his partner namely **Sonya Griffiths** in manifest jeopardy, voluntarily caused bodily harm or ill health of grievous nature on his partner **Sonya Griffiths** as certified by Dr. Vanessa Mercieca (Med. Reg 4602);
2. And more that on the same date, time, place and circumstances, uttered insults or threats to his partner namely **Sonya Griffiths** not otherwise provided for in the Criminal Code, or upon being provoked, carried his insult beyond the limit warranted by the provocation;
3. And more that on the same date, time, place and circumstances, committed a crime while being on an operative order of conditional discharge of a sentence given by the Court of Malta, presided over by Magistrate Dr. Ian Farrugia LL. D on the 16<sup>th</sup> April, 2023 which

sentence became definitive and cannot be changed and this in violation of Article 22 of Chapter 446 of the Laws of Malta;

4. And more that on the same date, time, place and circumstances, re-offended with sentences handed down by the Court of Malta, which sentences are definitive and cannot be changed and this in violation of Articles 49 and 50 of Chapter 9 of the Laws of Malta.

The Court was being kindly requested to issue a Protection Order, during the proceedings against **Milosz Dlugosz** for the benefit of **Sonya Griffiths** as per Article 412C of Chapter 9 of the Laws of Malta.

In case of a conviction, the Court was kindly requested to provide for the safety of **Sonya Griffiths** or for the keeping of the public peace, in addition to, or in lieu of the punishment applicable to the offence, requires that **Milosz Dlugosz** enters into his own recognizance in a sum of money fixed by the court as per Article 383 et seq of Chapter 9 of the Laws of Malta.

The Court was humbly asked that in case of a conviction, besides the decided punishment according to Law, the Court orders **Milosz Dlugosz** to incur the payment of costs in the employment of experts, as per Article 533 of Chapter 9 of the Laws of Malta.

After having seen all the records of the case;

After having heard the defendant plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by the same defendant after the Court, in terms of section 392A of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that guilty plea, and allowed him sufficient time to re-consider his reply, and to change it;

After having seen the decree dated 25th April 2023;

After having seen the documents submitted by the Prosecution today;

**Considered that:**

From the evidence brought forward and from the guilty plea registered by the defendant, the Court concludes that the defendant is guilty of the charges brought 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

and that he co-operated with the police. The Court however took also into consideration that the accused caused grievous injuries to his partner, even though allegedly he was under the influence of alcohol. However, even if what the defendant alleged is true, in terms of article 34 (1) of the Criminal Code, intoxication can never be a defence to any criminal charge unless any of the circumstances listed under section 34 (2) of the Criminal Code subsist.

The Court heard the Prosecution declare that with regards to the first charge, the injuries inflicted were of a grievous nature in terms of article 216 of the Criminal Code. Hence the first charge carries with it a punishment from one year to seven years imprisonment. This punishment has to be increased by one or two degrees in terms of article 222 (1)(a) and article 202 (h)(vi) of the Criminal Code since the injured party is the defendant's partner. The Court, after taking cognizance of the incident report and the medical certificate produced by the Prosecution, is of the opinion that the defendant deserves a custodial sanction together with a Treatment Order so that he works on the problems which led him to react in such a way as to cause grievous injuries to the injured party.

The second offence is a contravention and hence in terms of article 17 (d) of the Criminal Code the defendant is liable to be punished only for the first charge since it is a crime which carries with it a punishment of more than three months imprisonment.

With regards to the third charge it results that the defendant was conditionally discharged for a period of three (3) years by this Court on the 16th April 2023. Hence it results that the defendant committed an offence during the period of that discharge. Hence, in terms of article 22 (3) of Chapter 446, the defendant is liable to be sentenced for the original offences, i.e. offences under article 221 (1), 251 (1), 339 (e), 339 (d) and 338(m) and 338 (dd) of the Criminal Code.

With regards to the fourth charge the Court finds that the defendant can be considered as a recidivist in terms of article 49 of Chapter 9 of the Laws of Malta but not under article 50 as in terms of article 25 of Chapter 446 of the Laws of Malta, a conviction discharging the offender absolutely or conditionally shall be deemed not to be a conviction for any purpose whatsoever other than those listed in the same article.

## **DECIDE**

For these reasons the Court after having seen articles 49, 214, 216, 222 (1) (a), 202 (2) (h) (vi), 339 (1) (e) of the Criminal Code and article 22 (3) of Chapter 446 of the Laws of Malta, on his admission finds defendant **Milosz**

**Dlugosz**, as recidivist in terms of article 49 of the Criminal Code, but not in terms of article 50 of the Criminal Code, guilty of the first, the second and the fourth charge brought against him and condemns him to thirty six (36) months imprisonment.

With regards to the third charge, the Court, after seeing article 23 of Chapter 446 of the Laws of Malta, is dealing with the defendant for the charges brought against him and for which he was found guilty by virtue of the judgement of the Court of Magistrates (as a Court of Criminal Judicature) of the 16th April 2023, and whilst, for all intents and purposes, is confirming the guilt of the defendant for all the charges, after seeing articles 17, 31, 221 (1), 251 (1) and (3), 339 (e), 339 (d) and 338 (d) and (m) of the Criminal Code, condemns the defendant **Milosz Dlugosz** to eighteen (18) months imprisonment.

Hence the defendant is being condemned to a total of **fifty-four (54) months imprisonment**.

In terms of article 412D of the Criminal Code, the Court is also issuing a Treatment Order so that the defendant is helped to address his alcohol problem.

In terms of article 382A of the Criminal Code the Court is issuing a Restraining Order to safeguard Sonya Griffiths.

The Court explained to the defendant the consequences of breaching these orders.

The court orders that copies of the Treatment Order be served forthwith on the defendant and the Director of Probation Services so as to assign a probation officer to be responsible for the supervision of the defendant, and on Director of the Corradino Correctional Facility.

Finally the Court is not taking cognizance of the Prosecution's request to condemn the defednant to pay the costs in the employment of experts as per Article 533 of the Criminal Code as no experts were appointed.

**Dr. Charmaine Galea**  
**Magistrate**

**Antonella Cassar**  
**Deputy Registrar**



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**TREATMENT ORDER  
(SECTION 412 D OF CHAPTER 9 OF THE LAWS OF MALTA)**

**Magistrate: Dr. Charmaine Galea**

**Today: 04th May, 2023**

**POLICE  
(Inspector Sherona Buhagiar)**

**Vs**

**Milosz Dlugosz  
(Holder of Polish Passport: EM4793270)**

The Court,

As per judgement delivered today in the above names **Milosz Dlugosz (Holder of Polish Passport: EM4793270)** was found guilty and subjected to a treatment order in terms of section 412D of Chapter 9 of the Laws of Malta.

After having deemed it justified to issue the said Treatment Order;

After having clearly explained to the accused the consequences and implications of the Treatment Order and that if he fails to comply with the requirements and conditions of the treatment order the Court may impose on him a fine (ammenda) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69)

The Court orders that Milosz Dlugosz residing at Bay Square Court, Flat 3, Triq Sant' Antnin, St. Paul's Bay and holder of Polish Passport Number EM:4793270 is placed under a Treatment order for a period of three (3) years from today and subject of the following conditions:

1. The Treatment shall be devised to address the offender's alcohol problems and to any other treatment indicated by the Probation Officer assigned to the offender;
2. This Treatment Order shall take place at the Corradino Correctional Facility or any other place which the Prison authorities may allow upon consultation with the Probation Officer;
3. That during the treatment order, the accused obeys any of the instructions given to him by the Probation Officer and maintains the necessary contact requested by the Probation Officer;
4. That the Probation Officer must file a written report every year whereby he/she submits a report to the Court in relation to the progress and behaviour of the offender;
5. That the offender must keep contact with the Probation Officer and follow any directives which the latter gives him.

**ORDERS** that a copy of this treatment order is handed over to the offender and that another copy is notified to the Director of Probation Services.

**If the offender fails to adhere to the conditions mentioned here above, the Probation Officer shall report this to the above mentioned Court.**

.....  
**Milosz Dlugosz**

.....  
**Magistrate**

.....  
**Deputy Registrar**



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**RESTRAINING ORDER  
(ARTICLE 382A CHAPTER 9 OF THE LAWS OF MALTA)**

**MAGISTRATE DR CHARMAINE GALEA LL.D.**

**TODAY 04th May 2023**

**POLICE**

**(Inspector Sherona Buhagiar)**

**Vs**

**Milosz Dlugosz  
(Holder of Polish Passport Number: EM4793270)**

The Court,

After having seen article 382A of Chapter 9 of the Laws of Malta,

Orders the issue of a Restraining Order against the offender Milosz Dlugosz holder of Polish Passport Number: EM4793270 under the following conditions:

- a) Prohibits the offender from approaching or following the movements of **Sarah Griffiths**;
- b) Prohibits access by the offender to premises in which **Sarah Griffiths** lives, works or frequents, even if the offender has a legal interest in those premises;
- c) Prohibits the offender from contacting or molesting **Sarah Griffiths**;
- d) This Restraining Order shall remain in force for a period of three (3) years from the day the offender is released from the Corradino Correctional Facility;
- e) If the offender is found guilty of contravening any prohibition or restriction imposed upon him by this Order, he shall be liable to a fine (multa) of seven thousand euro (€7,000) or to a term of imprisonment not exceeding two (2) years, or to both fine and imprisonment.

A copy of this Order is being notified to the offender and the Commissioner of Police *seduta stante*.

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**Magistrate Dr. Charmaine Galea**

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**Milosz Dlugosz**