



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

**MAGISTRATE DR.  
CAROL PERALTA**

Sitting of the 22 nd June, 2004

Number 934/2002

**THE POLICE  
INSPECTOR LOUISE CALLEJA  
INSPECTOR MARTIN SAMMUT**

**VS**

**PETER BURGESS**

**The Court;**

After having seen the charges brought against Peter Burgess, 21 years, son of John and Margaret Agius nee' Barclay, born London, U.K. on the 19<sup>th</sup> January 1983 and

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residing at Villa Bimbella, 9, Triq il-Gardell, San Gwann,  
holder of ID no. 20627 (A);

With having on the 9<sup>th</sup> November 2002, at about 0300 hrs,  
in Michelang Borg Street, St. Julian's or/ and the vicinities;

- a) with the intent to commit carnal knowledge with violence on the person of Komuro Nahako, Japanese National, manifested such intent by overt acts, which acts were followed by the commencement of the execution of the said carnal knowledge, which crime was not completed in consequence of some accidental cause independent of his will;
- b) by violence, abducted same Komuro Nahako with the intent to abuse her;
- c) without a lawful order from the competent authorities and saving cases where the law authorities private individuals to apprehend offenders, arrested, detained or confined the same Komuro Nahako against her will or provided a place for carrying out such arrest, detention or confinement, and this as a means of compelling the said Komuro Nahako to do an act or to submit herself to treatment injurious to the modesty of her sex;
- d) committed violent indecent assault on Komuro Nahako;
- e) committed an offence against decency or morals, by any act committed in a public place;

f) \_\_\_\_\_ caused slight injuries on the person of Komuro Nahako.

After having seen Sections 41(1)(a), 198, 207, 209, 221, 86 and 87(g) of the Criminal Code;

Considers:

That after having taken into consideration the circumstances of this case;

The Court, while finding the said Peter Burgess, guilty as charged, is conditionally discharging him under Section 7 of Chapter 446 for three (3) years, under weekly supervision directly of Josette Camilleri of Sedq and any other psychiatrist, that she deems fit.

Though the Court realises the seriousness of the offence committed and appreciates that a punishment under Article 28 could have been more appropriate, it is of the opinion, that the purpose of Justice are better served in the proper reformation of the offender rather than in his punishment. Therefore, after having taken into consideration the evidence given today by Ms. Josette Camilleri, detailing the accused's progress and specifically his duly established independence from drink and the taking of cannabis and after also having taken into consideration the necessity of regularly monitoring the accused, this Court is of the opinion that, considering the accused's young age and apparent willingness to reform, that a suspended sentence of imprisonment could greatly impair the accused's future even now that he has found permanent employment. This, therefore is the motivation of this Court and is not going to a suspended sentence of imprisonment and opting for a more advantageous solution for the accused.

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The Court, is also hereby ordering the news media not to publish the accused's and the victim's name.

**< Final Judgement >**

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