



QORTI TA' L-APPELL KRIMINALI

**S.T.O. PRIM IMHALLEF
VINCENT DE GAETANO**

Seduta tad-19 ta' Awwissu, 2005

Numru 25/2005

App No 25/05

The Police

v.

Madeline Whitehouse

The Court:

Having see the charges preferred by the Executive Police against Madeline Whitehouse, to wit the charges of having on the 28 October 2003 at about 5.00 p.m. at Ta' Xurdin, limits of Nadur, Gozo (1) wilfully disturbed the public good order and peace by shouting, fighting or any other means, and (2) with having caused injuries of a slight nature on the person of George Xuereb as certified by Dr Julian Portelli M.D. of the Gozo General Hospital; the court was requested to apply Section 383 of the Criminal Code in case of guilt;

Having see the judgement of the Court of Magistrates (Gozo) of the 20 January 2005 whereby that court found Madeline Whitehouse guilty of both charges preferred against her and sentenced her “to a fine of thirty Maltese liri for both charges”;

Having seen the application of appeal (drawn up in the Maltese language) of the said Madeline Whitehouse, filed on the 26 January 2005, whereby the said appellant requested that this Court revoke the judgement of the 20 January 2005 and declare her not guilty of the charges brought against her;

Having see the record of the case; having heard the evidence as well as counsel for appellant and for the respondent Attorney General on the 22 April 2005 and 15 July 2005; considers:

Appellant’s grievances boil down, in essence, to one ground of appeal, namely that the Court of Magistrates (Gozo) did not make a correct analysis and evaluation of the evidence produced, as a consequence of which, according to appellant, she was wrongly convicted.

This Court, having carefully examined all the evidence, finds absolutely no reason to revoke or vary the judgement of the first court. The whole issue in this case revolves round the question as to how the incident or altercation between appellant and George Xuereb really started. Appellant’s version of the incident, that is that she saw Xuereb making lewd acts in public and exposing himself, and that she therefore decided to threaten him with a stone (which she claims she never threw), whereupon he assaulted her, knocked her to the ground and even banged her head on the ground, is totally uncorroborated in respect of how the incident started (although appellant’s husband does confirm his wife’s version as to the latter part of the altercation). On the other hand, Xuereb’s version of the incident, namely that as he was returning from bird trapping he was assaulted by appellant, who was shouting at him that he had killed her birds and who through stones at him, is corroborated

Kopja Informali ta' Sentenza

in substantial measure by the evidence of Frankie Said. On the basis of the evidence heard by this Court, the first court could legally and reasonably come to the conclusion that appellant was guilty as charged.

For these reasons, the Court dismisses the appeal.

< Sentenza Finali >

-----TMIEM-----