



**QORTI TAL-MAGISTRATI (MALTA)  
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.  
CONSUELO-PILAR SCERRI HERRERA**

Seduta tas-7 ta' Dicembru, 2005

Numru 395/2003

**The Police  
Inspector Louise Calleja**

**V**

**HUGH GLASS**

**Sitting held today, the 7<sup>th</sup> day of December, 2005.**

**The Court**

Having seen that the accused **HUGH GLASS**, son of late John and Margaret nee Johnston, born in Ballymena in Northern Ireland, United Kingdom on the 24<sup>th</sup> August 1956 and residing at Paradise Flats, Flat 4, Etna Street, Mellieha, in possession of British passport number 034216221 was arraigned before her accused with having in October 2001 and in the preceding months at Flat 10, Nero Flats, Bordino Street, St. Paul's Bay or/and other localities on these Islands, by several acts committed by

him, even if at different times, which constitute violations to the same provision of the law, committed in pursuance of the same design, by lewd acts defiled minor Katrina Leach, a British National which offence was committed on a person who had not completed the age of twelve years, and committed by deceit and committed when he was temporarily charged with the control or custody of the said minor.

Having seen all the documents exhibited in the acts of these proceedings in particular the note of the Attorney General indicating the relevant sections at law and so that this case be dealt with summarily.

Having heard the accused declare on the 6<sup>th</sup> September 2004 [fol 222], that he has no objection to his case being dealt with summarily and decided by this same Court in its jurisdiction above mentioned.

Having heard all the evidence produced by the Prosecution and subsequently the accused give evidence voluntarily and the evidence brought forward by the defence.

Having heard both parties submit their oral submissions during the sitting of the 31<sup>st</sup> October 2005.

Having considered:

**That on the 7<sup>th</sup> May 2003 Lesley Buhagiar gave evidence** [fol 11] wherein she stated that on the 24<sup>th</sup> February 2002 she had lodged a report at the Devon and Cornwall Constibulary in England alledging that her daughter Katrina Leach was abused by the accused. She stated that her minor daughter had told her that the accused used to accompany her to a flat in Qawra, Malta, and make her touch his private parts.

She confirmed that she had originally come over to Malta together with her daughter Katrina Leach, in June 1998 and left in December 2001. Asked if she was always with her daughter whilst in Malta the witness stated that her

daughter used to go to the cinema with the accused, whom she recognised in court.

Asked how she came to know the accused, the witness stated that he used to work with him in time sharing and since he seemed to be a very nice gentleman, she trusted her daughter regularly in his company.

She remembered an incident whilst in Malta when her daughter was admitted to St. Luke Hospital for self harm and she was sent to YPU Mount Carmel Hospital for about eight weeks, under the psychiatric care of Doctor Joseph Saliba.

Ms Buhagiar explained that she she got to know about these allegations when she was in England. Ms Buhagiar also stated that her daughter used to spend a lot of time with her step-grandad Alfred Buhagiar, especially when she was working. These times were however reduced when she stopped working since she had a second child, here in Malta.

She stated that her daughter had a good relationship with Alfred Buhagiar so much so that he used to cuddle her and play pool with her in his bar on three to four occasions a week.

Asked if it could have been Alfred Buhagiar, her step grand father who used to abuse her, she categorically said no. She stated that on hindsight she realised a change of behaviour in her daughter when she was in the presence of the accused, and not when she was with her step grand dad.

She said that it was in the winter of 1999-2000, that her daughter started pulling back from people and would no longer accept presents from third parties, although she was doing well at school.

Asked when the self harming started, the witness stated that it all started in summer 2000, six months after she had met the accused and after she had met her step grand father Alfred Buhagiar in August 1999.

Asked what the accused allegedly did to her daughter, Ms Buhagiar said that he used to take her to his flat in Qawra after the cinema pretending to sleep and then ask her to touch his private parts and masturbate in front of her and sometimes ask her to do it for him. Ms Buhagiar stated that Katrina told her that this took place on several occasions, however, she also told her that he did not make her undress and never fondled her private parts.

Ms Buhagiar also stated that the accused would take her daughter to Mc Donald's and get her back with a gift. This also took place for a whole year though more frequent at the beginning of the year.

**On the 12<sup>th</sup> May 2003 Lesley Buhagiar again gave evidence** [fol 116]. She confirmed that she originally came to Malta in 1998, met her second husband and got married on the 9<sup>th</sup> September 1999. On the 6<sup>th</sup> August 2000 she gave birth to a second child who was the half sister to Katrina.

Asked by defence counsel if she used to go out in the evenings and make Katrina babysit for her, she denied this allegation. She however also denied getting drunk though later on she confirmed that at times she did on Bacardi and Coke.

Asked by defence counsel when she first noticed the scars on Katrina's hand, the witness replied that it was after she got married in 1999, after Christmas. She again explained that the injuries consisted of slashing of the hands. She explained that her daughter had taken a knife to school and slashed her arm and made a big scar. She in fact explained that Katrina had a lot of scars on her palms and wrists because she self-inflicted injuries on at least ten times. She also pointed out that later on when she returned to the United Kingdom, she found letters in her daughter's drawers saying that she allegedly wanted to commit suicide and in fact even smeared some with blood. Katrina used to say that she wanted to commit suicide because of what had happened to her. She also

said that Katrina had a diary where she used to write down things and how stressful she felt.

Whilst in Malta, Katrina was kept in YPU because she was suicidal. Asked why she did not launch a report with the local police before going to England since she knew of such allegations, the witness replied that the experts in England told her that first Katrina had to tell them the truth before lodging a complaint.

Ms Buhagiar went on to explain that the alledged diary had all the feelings of Katrina wirtten down because she used to write to herself all what she was going through, however, alledgedly no names were ever mentioned.

Ms Buhagiar was also asked by the defence counsel if it could be that Katrina was passing through a bad period because of her loss of contact with her biological father but she replied that this was not the case since she had left Katrina's father due to a marriage breakdown when Katrina was only three or four years old.

Asked for the second time, if it could have been that Alfred Buhagiar abused her daughter, the witness replied that at first she had thought of that but then dropped the idea.

Later on in her evidence the witness contradicts herself and says that in England her daugher never told her that the accused had touched her however she had heard her daughter tell a friend that the accused touched her on her bottom.

**On the 16<sup>th</sup> October 2003 Lesley Buhagiar again gave evidence** [fol 190] wherein she exhibited Katrina's birth certificate [fol 192] and stated that after the incident Katrina was registering progress but that day she had received a letter from her teacher at school saying Katrina needed more psychiatric help.

**On the 2<sup>nd</sup> March 2004 Lesley Buhagiar again gave evidence** [fol 198] and exhibited two letters [fol 200 – 201]

which allegedly Katrina wrote whilst in England, which letters bare no date, but she said they were written in 2001. She said she believed that these were written in the period of time when this case was reported to the police. She said she had found these two letters in her bedroom and that she could not find the diary she had mentioned earlier in her previous evidence. She said she had shown the letters to her daughter and confirmed that she wrote them the week before. She went on to say that when she asked Katrina about the contents of those letters, Katrina had answered her that those were her feelings during that period in time. She stated that Katrina had started cutting herself after the incident had happened not prior. She stated that at that time Katrina was out of hospital and that she had been out for a number of years however she had seen a psychiatrist every two or three weeks.

**On the 19<sup>th</sup> May 2004 Lesley Buhagiar again gave evidence** [fol 208] and exhibited a number of documents in relation to her daughter's attendance to the psychiatrist in schools. With reference to the letter on which there is the letter X on the top part of it, she pointed out that the top part of it was written by Katrina whilst the bottom part was written by herself. Asked who is Dominic mentioned therein, she said though she does not know him, she believed he is a young boy who used to visit the accused. Asked who are the children Katrina went around naked with, the witness said they are children related to Tony Spiteri of Breakpoint. On being shown document "Y" [fol 216] the witness stated that this document was written by herself. Asked when Katrina was admitted to hospital, the witness stated that it was in October 2001 and there she was seen by Doctor Vella and subsequently assessed and taken to Mount Carmel Hospital. She also stated that at times she used to work from nine to four and occasionally, till six. It is true, she went on to say that she was a frequent visitor to a bar owned by her father in law where he used to live, and used to clean the bar, however, the defense is incorrect to say that she used to consume a lot of alcohol in the evening, and confessed

that though there were times she used to be drunk, this was not on a regular basis.

**When on the 4<sup>th</sup> October 2004 Lesley Buhagiar gave evidence again** [fol 224] she stated that she was returning back to England for good. She stated that at that moment in time, Katrina was doing fine and was not undergoing any treatment whatsoever, although she spent some time in Mount Carmel Hospital where she was under the care of Doctor Joseph Saliba. She said Katrina had spent some time, about eight weeks, at YPU. Katrina had no problems prior to this and she was a very bright child, two years above grade in school in England. Katrina never showed her any reason asking for help. The witness went on to say that whilst in Malta, she was a single parent always looking after her daughter and she never worked. When she worked in Malta, Katrina used to go to her place of work after school hours since she was always around and she used to hang around the bar since her stepfather lived there and they spent a considerable time with him and others in the same bar.

**On the 7<sup>th</sup> May 2003 Katrina Leach gave evidence** [fol 46] wherein she stated that she was fourteen years old and that she was born on the 15<sup>th</sup> September 1988. She said she had left Malta in December 2000. She said she used to live in Qawra. She confirmed that she had been to the police in England where she launched a report against Hugh Glass who had sexually abused her. She said her mother used to work with this person for a while, probably the second year they were here, about 1999 and she used to meet this gentleman quite often when they used to go to the Empire cinema in Qawra to watch Disney films and after this gentleman used to take her to a shop and buy her a teddy and after they used to go to his flat. This happened about once or twice a month over a period of about six months in the year 1999 – 2000, in about the middle of her stay in Malta. She said she thinks that the first time it happened was in 1999 and went on till about six months before she left Malta in April 2001. She said that at that time she was about eleven or twelve years old. She went on to say that in his flat he used to

get her a drink and then go to sleep in his spare bedroom while she used to stay playing with his fish and after he woke up, he used to take her back home.

On some occasions, when he used to go to bed, he would ask her to go to his room and ask her to lift up the cover and touch his penis with a bit of tissue, and she used to do it. She went on to say that after the first few times he used to tell her not to do it with a tissue. She said that once she also played with his genitals too. After, she went on to say, she used to leave the room and after about five or ten minutes, he used to wake up and come out undressed, he used to go and have a shower and take her home and this always happened in his flat. She said he never used force on her to do this and that she was sure it was always him who did these things with her. She said she did all he asked her, although she knew it was wrong, because she liked him, trusted him and thought it was better to do what he asks for, even though she did not approve of what she was doing. She said she never asked him the reason to asking her to do so. She said she never spoke about this to anybody and decided to speak up, when she returned to England with her mother because she was scared and did not want to seem mean. She said she was a friend of this gentleman and he never told her not to tell anyone about this. She said it was at her discretion whether to speak up and that is why she did not tell anyone at that time.

Katrina Leach went on to say that all this misbehaviour stopped because she was admitted to YPU for a few months after that for self-harming, which she did for no reason whatsoever. She said she used to cut herself usually with knives, and though she kept hiding them, her friends at school used to keep on noticing them and they spoke up on her behalf. She said she never spoke to the accused about this and she didn't think he ever noticed them, since he never mentioned them to her. She said her mother had seen a few of all the scars, but she used to tell her that she had scratched herself. She said she never undressed before the accused and was always dressed in his presence. Katrina Leach pointed out that



this went on for period of a year and a half not six months as she previously stated. She said she had the same good relationship with her step grandfather as she had with the accused but her step grandfather never did the same wrong things the accused did with her. She stated she never had any complaint about her step grandfather, none at all. She said she used to go to see Alfred Buhagiar, her step grandfather, more than twice a week since he owned a bar and he never did anything wrong to her, it was always the accused who did.

Asked to give a description of Hugh Glass, the witness Katrina Leach stated that he is probably five feet tall, short black hair, had a moustache, she thought he wore spectacles, a bit chubby, had quite a large waist and always wore suits or shirts. Asked if her step grandfather ever kissed her, the witness stated that he used to kiss her on her cheek and he used to hug her also, a normal hug, like anybody would. She said there were some times when she used to sit on her step grandfather's lap, near his knees, on the front part, without really pulling her close, while in the presence of others in the bar. Asked if it could be that he held her close to him and she could feel his private parts, Katrina answered negatively. She said that when she used to visit her step grandfather, they used to play games like pool and talk to each other. She said her relationship with her step grandfather was very good at that time. Asked if she had spoken to him before she was in court that day, Katrina answered she did but she did not talk about the case in question.

It was her mother who used to talk to him about it in front of her and she used to overhear their conversation. She said that that day she was not alone with her step grandfather Alfred Buhagiar, who is the father of her mother's new husband, she was in his company together with her half sister and her mother. She said she had arrived in Malta the following Tuesday and was leaving the coming Tuesday and that she was staying at Canifor Hotel in Qawra at that time, which was not so close to her step grandfather's bar. She said she had been on her

own with her step grandfather since she came back to Malta but they did not speak about the case in question.

She said that when she used to be in the flat of Hugh Glass after going to the cinema and after Mc Donald's, she used to be alone with him for about an hour, so in all she used to be in his presence for about two and a half hours. She said the film would last for about an hour and a half and they used to stay at Mc Donald's for about half an hour. Then Hugh Glass would take her to his flat and sleep for about half an hour. She said Hugh Glass used to be undressed in front of her before going in to have a shower and used to pass in front of her to go and do so. She said they used to go to his flat with his old white car like Ford, they used to be in St. Paul's Bay, then take the road that goes up the hill, go all the way up, turn left and it was just on that road he had his flat. She said in his flat he had a lift, which they used to take to go up.

Katrina went on to say that his flat wasn't that big, when entering, there was a front door, one would see half the kitchen, and then a sofa, which was in the front room. There was a sofa, one or two chairs, a television and a spare bedroom, which could be seen from the front room. In the spare bedroom, where these acts used to take place, there was only a bed. Apart from this spare bedroom, there was the main bedroom. There was a very small bathroom with white tiles.

Katrina Leach went on to say that she never told her mother about the situation she was in and that she liked going to the cinema but nothing else. She stated that the cinema was closer to her flat than his and that he used to pick her up from in front of her flat before going to his. There were times when they passed by the Breakpoint and she never asked him to stop her there in spite of knowing she was going to his flat because she did not want to upset her mother since she was good friends with him at the time.

She said she never saw rude films on television and the last one she saw was in England some two months previously. Asked if she had ever seen a male organ

before seeing that of Hugh Glass, the witness replied negatively. She said she had two brothers who don't live with her, they are seven and eight. She said Hugh Glass mentioned to her that there's only one boy who used to go to his flat, a thin one about the same age as her and Hugh Glass had told her during the time she was seeing him, that they used to run around naked there. She said once he suggested that she should meet this boy but she never did since they never got the time to meet him since he lived with his parents a long way away and he only got to see him like once a year or something so, not often, in the summer holidays. She said Hugh Glass had some turtles apart from the fish at the end of the hallway, just by his bedroom.

She said her relationship with her step grandfather was very close, she loves him a lot like a real grand father; he was always kind to her and treated her like a grand daughter. She said he used to give her gifts, like teddy bears, used to buy her sweets and about once a month he used to give her some money, about five or ten pounds. She said, usually she used to ask him for sweets. She also said she used to drink Coke or Fanta but never alcohol and she never tasted wine, whisky or vodka but she had tasted beer, which she liked but did not consume. She said that in the bar, she never drank; she drank in England after she left. She said her mum made her taste spirits while in England but she did not want to drink after she had seen everyone get drunk. Asked if she ever saw her mother drunk, Katrina replied that not regularly; just the same as everyone else, like the people her mother used to work with and those who called at the bar of her step grandfather. She went on to say that her step grandfather never got drunk, she never saw him drinking as he hardly ever drank, it was her mother who drinks sometimes in her company, in the evenings.

She said she used to get back home from school by bus, which used to drop her off next to where she lived at times and at others at the Breakpoint and would walk all the way home. She said she had a key to her house and she used to spend some time on her own. Sometimes she

used to go to her step grandfather. She went on to say that her step grandfather had a bedroom in the backroom of the bar, a computer room and a bathroom. She ever hardly went into her step grandfather's bedroom and that she knows of it because there were a very few times when she used to see his old dog go into it and she used to take the food from his kitchen and go and feed the dog there. She said that there were times when her step grandfather used to join her in. She also said that her step grandfather never had a shower in front of her and that she never entered the bathroom while he was there. In fact, she went on to say there are more toilets, there is one in the bedroom and others in the bar and she used to use the one near the bed room, though most of the time she used one in the bar which is a lot cleaner. She said in Malta she used to live at 2, St. Mary Court, Sir Andrew Cunningham Street, Qawra but they kept moving and that there was a time when she used to live in the flat above the bar. She said there were a lot of her mother's friends who came to the bar. Asked if there was a rumour that she had a special relationship with her step grand father, the witness said she never heard of it. She said she never mentioned anything which Hugh Glass had done to her to her step grand father, because she was kind of scared that he might get really angry or that he might do something to her mother, like saying that she had suggested it and did not want to upset him even though Hugh Glass never threatened her.

She said she did not love Hugh Glass and that she niether was infatuated by him and that she used to do such things with him because she did not want him to get angry since he was one of her mother's best friends. She said that she only spent a lot of time at the bar in weekends, till about midnight, because of school. She said that upstaris in the flat above where they were living, she never slept or rested in her step grand father's bedroom. He used to live downstairs, though at times he used to go over to her flat to see her sister, the baby.

Before the baby was born he used to go upstairs to see her mother, to ask them to go to the shop or to ask her if

she wanted to go out. She said there were times when she was left alone in the flat with her step grand father, mostly mornings while her mother used to be shopping or at work during the weekends. Besides her mother, in the flat, there used to live also Paul, her stepfather. She said she had a good relationship with Paul and they live together in England too. She said she did not tell Paul what happened to her, she told her mother only and she told him.

**She said that while she was at YPU she had told them it might have been her step grand father but when she went back to England she told them it was Hugh Glass not her step grand father.** She said she had told them that her step grand father kept hugging her a lot and at the time it seemed like something big, which wasn't. She said she did not tell YPU that her step grand father used to undress before her, she only told them that her step grand father used to hug her and ask her to sit on his lap. At YPU she used to speak to Elizabeth Abdilla the Occupational Therapist, though she never told her what Hugh Glass used to do to her, since she thought she was ill, she believed it was her step grand father and due to the fact she didn't trust anyone. She went on to say that at first she believed he was doing something to her and then she realized, she was trying to get away from it all. She said she thought she was ill because she had been to a mental place, and one does not go to a mental place unless one's not at least a bit ill. Asked if anyone had told her she was ill, Katrina Leach replied that no one said so.

She said that besides Elizabeth Abdilla she spoke to the psychiatrist Doctor Saliba and the teacher at YPU where she had been for two or three months and another doctor at YPU Doctor Dimech. She said that her mother took her to Doctor Dimech because she had taken a steak knife to school and the headmistress had told her mother, so she was taken to hospital. At that time she said she had a big cut on her arm which she had done because she was angry at herself since she had forgotten to do some homework which seemed a big thing. She said no one scolded her for not doing her homework and that in most

subjects she was doing well. She said she started injuring herself about six months before she left Malta and they left because her mother had thought that Alfred Buhagiar had done something to her, even though she did not say so, but infact he never did anything to her. Katrina said that her mother thought that she had been hiding from her that her step grand father had done somethings to her, which he didn't. In fact it was Hugh Glass who did and this she had hidden from her mother and she told her about Hugh Glass when they were back in England and it was her mother she opened up with first. She said she did not tell the doctor in England who was really touching her. She said in England she had attended counselling with a psychiatrist and she had told him what happened. Asked why she did not protect Alfred Buhagiar since she knew that he had done nothing to her, Katrina Leach answered that she didn't know why at that time. Asked if she loved Alfred Buhagiar, Katrina Leach answered she did and that is why she had later on, whilst out of YPU, told her mother that Alfred Buhagiar used to hug her since she felt guilty on telling them previously that it was him who did other things, when in fact it wasn't him at all.

Asked whether there were any other occasions when Hugh Glass did not tell her to touch him and yet she would still do so, Katrina answered that there weren't and it was always him who suggested each time to go to his bedroom and touch him and this happened about twenty times against her will and that she always thought this would some day stop.

She said these things stopped about December 2000 because her mother stopped working. She said that once he had called her to go and see a film and she didn't go as she was busy since she had moved to a higher school. She said he never complemented her on her body. Asked to say how the accused's private parts felt, Katrina answered that most of the time soft, sometimes it went hard but not very often. Asked if she ever felt her step grand father's private parts when hugging her, Katrina answered she never did and she never touched him or anything, either with her backside. Asked by the

Court why she suggested she never touched her step grand father, Katrina answered that she said so because she didn't want the Court to get the wrong idea of her. She said she was not happy to touch the accused and she did it because she did not want him to get angry or upset since he wasn't that confident in himself, he was very nervous about himself, since he thought he was a good for nothing, at his job. In fact her mother was always reassuring him about some thing. She said in the year 2000 before leaving Malta, the accused called her to say goodbye. Asked how she made contact with the accused during the year and a half, Katrina answered that this happened through her mother at work since he would ask her there. Asked by the Court how come she did not find an excuse for her mother not to go to the cinema with the accused, Katrina answered that she did sometimes but since she used to be scared he would blame it all on her, she at times consented going with him to the cinema.

**On the 12<sup>th</sup> May 2003 Katrina Leach again gave evidence** [fol 142] where, on being asked when her mother and the accused lost contact, she was not in a position to say. She said that she had met the accused for a period of a year and a half, twice a month not consecutively. She said she was not sure whether it was the period when she was living permanently in Malta since she could not remember. She said her mother used to work most of the time when she was in Malta though when she got pregnant with her stepsister, she did work so much. She went on to say that during the time she worked, her mother used to see the accused since he used to go and see them when they were out. She was not sure if she used to meet the accused when her mother was pregnant. She said she used to look after her younger sister not when she was born, but later. She said that when her sister was born, there were times when she used to be alone with her though not for long periods. She said her mother used to go to the bar downstairs when her sister used to be asleep, but on other occasions she used to stay up alone and play with her sister while her mother used to be downstairs. She said that if something would have happened at that time, she

was able to go downstairs for her mother, though this used to happen not so often. She went on to say that most of the time she'd be doing her schoolwork whilst if it was the weekend, her mother would take the baby downstairs with her in the bar. She said she would either be in the bar with them or upstairs. She said that everyone stayed in the bar with the baby, though not so late, say till about nine or ten. She said she met her step grandfather during her holiday in Malta though she did not discuss this case with him and never mentioned anything about it to him or to anyone else here in Malta. She said she only opened up her heart once to a female person whom she trusted about what had happened, though she did not know her very well. She said that she had told her what the accused used to ask her to do and that she did so because she got a certain feeling with this person whom she liked immediately and had kept trust in her. She said her mother had recommended her since she had been through the same things. She said that this person had told her of her experiences when they were alone together and she told her how she felt too.

Asked if she knew that her step grandfather had spoken to people at YPU, Katrina said she didn't. Asked if she ever kept a diary, she replied she never did. Asked if she ever wrote in a diary when she was in Malta before she went back to England, she answered she never did. Asked if she ever wrote any letter or any papers, she replied she did not.

Asked by the Court whether she knew that there were some papers whereby she had said that she did not want to live any longer and that she would rub her blood, Katrina said she knew that she had done that a few times while she was in England, when she was in primary school, years before, but the rest were done in Malta. She said she did not know the reason for doing so, it was just a letter as her mother had described to her, saying she wanted to die. She agreed with what the Court suggested, that those letters were written before she had met the accused, and that at that time she was about seven or eight, about two years before coming to Malta.



She said she did not know why she was sad in Malta, as she had a very nice time in Malta. She said she could not remember why she was sad at the time she wrote the letters and it was years before her father had left her mother.

Asked if she was ever bullied at school, Katrina replied that she was only by one girl, but then it passed.

Asked how is it she said she had had a very nice time in Malta when she was allegedly going through such an experience with the accused, Katrina replied, that apart from that, she had fun all the time and had friends and apart from that it was normal. She said she had taken a knife at school because she was annoyed about her schoolwork. She said there were other times when she had knived herself, about four or five other times, mostly at school and once while waiting for the school bus and in front of other children. She said once she used a carving knife and on the other occasions, a compass or scissors and she used to hide herself. She said that when she used the carving knife she could not hide herself, and so her friend saw it. She said that later, the knife was taken from her by a teacher. She said that this was reported to her mother who took her to YPU, about the end of September or October 2001. She said that by that time she had not been in contact with the accused.

Asked if she was afraid of covering up for her step grand father, Katrina answered no, since he had done nothing. She went on to say that had he done anything, she would be afraid to say so.

Asked by the Court whether it was not to upset her mother that she was not mentioning her step grand father, Katrina replied that her step grand father had done nothing except cuddle and kiss her. Asked whether she thought if it was wrong, Katrina replied that at the time she thought so, but it wasn't since it was just a normal grand father's hug. Asked how she didn't object at the time she replied that she was too scared. Asked what does her step grand father wear in summer, she replied that he used to wear

just a pair of shorts and a T shirt and sandals like everyone else. She said she never saw her step grand father take a shower. Asked if her step-grand father wore glasses, she replied he wore reading glasses. Asked if the accused wore glasses, she replied she thought so. Asked if there is an aquarium in her step-grand father's bar, she replied he hadn't and the animals he had were cat, two birds and a dog which died recently, while she was in England. Asked if she kept in contact with her step-grand father while she was in England she answered she did by phone and at times by computer. Asked if she was familiar with internet she replied she was but didn't use it. Asked if she used to chat with her step-grand father on internet, she replied that they used hotmail MSN. Asked if she ever goes on chat lines on internet, she replied that only once she used the internet for homework. She said she has been away from school for about four or six months or maybe more.

She said she does not write any more letters to herself like the ones she wrote, not anymore. Asked if she recalls splashing her blood on the letters, she replied she remembers doing it once. Asked why she did it, she replied she does not remember.

Asked what she had to say to the fact that the defence lawyer was insisting with her that the accused was denying all allegations, she replied that she does not blame him since any person would. Asked if the accused ever touched her she replied he never did. Asked if he ever touched her bottom, she replied that he never did also.

Asked if she was aware that with her statement the accused might go to prison, she replied she was. Asked by the Court whether it could be that her mother encouraged her to say it was the accused who did those things, she replied no. Asked if her mother ever alleged that it was her step-grand father who did those things, she replied no, she said it was she who said who it was and she had nothing to do with it. Asked if she ever mentioned the accused at YPU or any other person,

Katrina replied she never did. She used to say that her step-grand father used to hug her. She still insisted that it was the accused who did those things to her. Asked if the accused had any collections or whether he used to collect something, Katrina said she didn't think so.

**On the 23<sup>rd</sup> June 2003 Inspector Louise Calleja gave evidence** [fol 168] wherein she stated that on the tenth May 2002, Interpol London forwarded to the Police in Malta various statements which related to an alleged sexual abuse which occurred in Malta between 1999 and 2001, lodged by Lesley Buhagiar at the Devon and Cornwall Constibulary following a disclosure by her daughter Katrina Leach whereby she explained to her mother that a certain Hugh Glass, a British national residing in Malta had sexually abused her in his flat in St. Paul's Bay.

In fact both Lesley Buhagiar and Katrina Leach were interviewed in February 2002 at the said Constibulary. Lesley Buhagiar had explained that she moved to Malta from Exeter in 1999 with her daughter Katrina Leach and in March 1999 she started working timeshare at Breakpoint Hotel Complex in Qawra where she met Hugh Glass. Sometime after Hugh Glass had approached Lesley Buhagiar and told her he could look after Katrina by taking her out and Lesley Buhagiar consented to this.

According to Lesley Buhagiar, some time in 1999 when Katrina started menstruating, she scratched her palm with a compass, though Katrina never admitted such attempt and had told her mother she had fallen over and cut her wrist. Lesley Buhagiar recounted that the last time Hugh Glass had contact with Katrina was on her thirteenth birthday, which was on the 15<sup>th</sup> September 2001.

On that day Katrina had told her mother that she went to Hugh Glass's flat and after that occasion Katrina once again cut her hand deliberately telling her mother she was fed up. To this Lesley Buhagiar fixed an appointment with a doctor, however Katrina once again cut her arm with a knife while she was at school in Malta. After this incident Lesley Buhagiar took her daughter to Doctor Adrian Vella

in Qawra who admitted her to YPU in Mount Carmel Hospital on the 24<sup>th</sup> October 2001 and remained there up to the 4<sup>th</sup> December 2001. While Katrina was in hospital she revealed that Paul's father, who happened to be her step grand father had touched her inappropriately.

Due to these allegations Lesley Buhagiar, her husband Paul, Katrina and their other daughter Shania left to the United Kingdom to settle there. In the United Kingdom, Katrina had a relapse and once again she wanted to harm herself and so was taken to Doctor Stally Uwings in Exeter who suggested a child psychotherapist. During that period Lesley Buhagiar had a conversation with Katrina whereby she alleged being abused by Hugh Glass and so Lesley Buhagiar lodged a report with the Exeter Police.

When spoken to, Katrina revealed that she had been abused by the accused Hugh Glass in the flat in St. Paul's Bay. Katrina had alleged being touched in her private parts by the accused who used to tell her "I want you to touch my willy" and that after each abuse he used to give her a teddy bear. There were other instances where Katrina revealed that Hugh Glass used to ask her to meet some boys for her body, however this never happened. When spoken to, Katrina stated that although the abuse continued for a year while they were alone, this was not regular and that there was an incident where the accused had asked her to masturbate him, which she refused to do.

On the 12<sup>th</sup> July, Lesley Buhagiar forwarded to her a formal complaint whereby on behalf of Katrina she gave permission to the Police in Malta to investigate the case further and subsequently in the event of enough evidence to proceed to Court. She had provided her with maps indicating the place where Hugh Glass used to live which turned out to be 11, Nero Apartments, Bordino Street, St. Paul's Bay and when the police proceeded to this place it was found to be vacant. In the meantime, the police had found out that Hugh Glass had a working permit as a time share consultant with PS Marketing Limited at Breakpoint Holiday Complex in Qawra which

was valid up to November 2002. When the police went to this place he was found not to be working there but later was found working at the Kennedy Nova Hotel, once again as a time share consultant.

On the 12<sup>th</sup> November Hugh Glass was detained by the Police and brought over to the Vice Squad for further investigation while a search was carried out in his vehicle as well as in his new flat, Flat 4, Paradise, Etna Street, Mellieha where Pokemon and handbooks and over thirty Mc Donald's happy meal toys and other small toys as well as boys clothing were found in this place.

On the 13<sup>th</sup> November, the accused released a signed statement after being duly cautioned, which statement the witness exhibited as document LC 1 [fol 175] on which she confirmed her signature, that of the accused, as well as that of WPC 25 Charlene Camilleri and WPC 64 Connie Cauchi.

In his statement the accused said he knew Leslie, Paul and Katrina and referred to them as his good friends. He confirmed that he used to take Katrina to the cinema, to Mc Donald's and that he even took her to his place in 10, Bordino Street, St. Paul's Bay. When asked why he did take Katrina to his place on her own, the accused failed to give an explanation to the Police. He also said with reference to Katrina, that she acted in a way older than her actual age. Regarding the allegations of sexual abuse, the accused categorically denied ever abusing her. When asked about the various amount of toys which were found in his possession, the accused stated that he had bought the Pokemon boxes for a certain Domenic Schembri and that he also intended to send some to his sister's children in England.

On the 29<sup>th</sup> April 2003, Katrina and her mother returned to Malta and Katrina was spoken to in the presence of a social worker Madeline Bowman. There, Katrina confirmed her version of the facts, which she had given to the Police in England.

On the 6<sup>th</sup> May 2003, the accused released a second statement wherein he again denied the allegations of sexual abuse after being duly cautioned. Inspector Louise Calleja exhibited this second statement which was marked as document LC 2 [fol 180] on which she confirmed her signature, that of WPC 64 Connie Cauchi and that of the accused.

During the cross examination Inspector Louise Calleja stated that when they were informed that the accused used to be in contact with other minors, she informed the Child Protection Services who carried out interviews from their end. They just stated that they knew the accused but there were no allegations or indications of sexual abuse from any other children that were interviewed. Apart from the injured family, she spoke to Mr. Spiteri who is the boss of the accused, and who has two children, but she never spoke to them and he never had any information regarding abuse on these children. When Mr Spiteri was spoken to, he just said that he was friends with the accused and that he used to employ him and had never seen anything negative in his regard.

**On the 23<sup>rd</sup> June 2003 WPC 64 Connie Cauchi gave evidence** [fol 182] and confirmed the statement released by the accused on the 6<sup>th</sup> May 2003 marked as document LC 2, on which she recognized her signature, that of the accused, and that of Inspector Louise Calleja. She confirmed that that statement was released after the accused was duly cautioned. WPC 64 Connie Cauchi also confirmed the statement released by the accused on the 13<sup>th</sup> November 2002 marked as document LC 1, on which she recognized her signature, that of the accused, that of WPC 25 Charlene Camilleri and that of Inspector Louise Calleja. She confirmed that this statement was released after the accused was duly cautioned. Asked if she had taken part in the searches on the property of the accused in Gzira on the 12<sup>th</sup> September 2002 the witness said she did, where she was accompanied by WPC 146 Joanne Scicluna. She went on to say that that same evening a search was made in the vehicle of the accused where a number of Mc Donald's toys were found in the

luggage booth which were retrieved. Another search was carried out in the residence of the accused in Mellieha, from where a number of toys and children clothing were seized. She said that when the accused was asked about the clothing which were found in his residence, he said that they were of a certain Domenic and Nicholas Schembri.

**On the 16<sup>th</sup> October 2003 WPC 146 Joanne Scicluna gave evidence** [fol 193] wherein she stated that on the 12<sup>th</sup> November 2002, she was instructed by Inspector Louise Calleja to go to a time share office in Gzira together with WPC 64 Connie Cauchi in order to arrest the accused, which they did. She went on to say that that same evening a search was carried out at his residence and in his vehicle bearing registration number JAC 815 by PC 225 Joseph Filletti, where several Mc Donald's happy meals toys were found in the luggage booth which were seized. Later on a search was carried out in a residence Paradise Flats, Flat 4, Triq Etna, Mellieha were a number of toys and childrens' clothes were found and seized. Later on the accused was brought to the Vice Squad for further investigations. Asked if she was present throughout the statement, the witness said she wasn't.

**On the 10<sup>th</sup> December 2003 PC 225 Joseph Filletti gave evidence** [fol 196] wherein he stated that on the 12<sup>th</sup> November 2002, he was instructed by Inspector Louise Calleja to go and make a search in the presence of the accused, whom he recognized in Court, in his vehicle bearing registration number JAC 815 which was parked outside the Kennedy Nova Hotel in The Strand, Gzira. During this search he was accompanied by WPC 64 Connie Cauchi and WPC 146 Joanne Scicluna. During this search, several Mc Donald's happy meals toys were found in the luggage booth, which were seized. Later on a search was carried out in a residence Paradise Flats, Flat 4, Triq Etna, Mellieha were a number of toys and childrens' clothes, which were boys's pants and shirts were found and seized. He said no female items were found.

**On the 19<sup>th</sup> May 2004 PC 225 Joseph Filletti again gave evidence** [fol 206] exhibited the objects which were found and seized from the spare bedroom of the accused on the 12<sup>th</sup> November 2002, which objects were marked as document JF and JF 5. He exhibited the objects found in the kitchen of the accused on the same day, which were marked as document JF 1, JF 2, JF 3 and JF 4. He exhibited also a number of clothing which were underwear and bathing wear, which belonged to Nicholas and Dominic Schembri which were marked as document JF 6, two bags which were marked as document JF 7 and JF 8 which contained Mc Donald's toys which were found in the accused's car bearing registration number JAC 815. He said that he did not check if there was a date on the toys.

**On the 4<sup>th</sup> October 2004 the accused Hugh Glass gave evidence** [fol 226] wherein he stated that he had been in Malta for about seven years and that he had always worked in Malta as a sales manager in time share. He said he had become friends with Lesley Buhagiar since she used to work with him and subsequently with her daughter Katrina, as Lesley Buhagiar used to take Katrina to her place of work. He went on to say that he had spoken to Lesley Buhagiar about the Spiteri children, a boy and a girl, to take them out together, and they never complained. He said Rodney was about seventeen or eighteen and his sister about nineteen. He said he used to take them to Bognor quite often. He said that Rodney's cousin at times used to go too to Mc Donald's and that during Christmas time he used to give them gifts. He said he also befriended the Schembri family who have three children, since the mother in this family used to work in the hotel. The accused went on to say that since this case started, he has not been left alone with the children. Before the incident however, he used to take out the three of them regularly and they never complained with him. Today these children are aged six, sixteen and eighteen. These families treat him as if he was part of their family and he were always welcome.



The accused went on to say that when Lesley Buhagiar had another baby, Katrina was very upset because she was left baby sitting her younger sister, this in spite that the baby was still very young. He said he used to see Katrina, who at that time was about twelve or fourteen, push the baby up and down the road all on her own. He said that he took Katrina out to the cinema and to Mc Donald's. Asked whether he took children after to his flat, the accused answered that the Schembri family children were always in his flat, while the children of the Spiteri family occasionally went to his flat. Katrina went to his flat once for about fifteen minutes so that she could see where he lived. He said that the things she said about him being undressed in her presence, were completely untrue. He said that his job entitles him to work with families and see them over and over again and so it is impossible that he does such things because of his job. He confirmed once again that Katrina went only once to his flat and when she said that he used to do it repeatedly everytime he took her out, she was incorrect. He said he used to take her to the cinema, then to Mc Donald's and then straight home. The accused said that Katrina was always complaining with him that she did not like Paul who eventually married her mother, since he used to bully her around, however she never showed signs of suicide. He said she used to complain about him, not only to him, but also to other people at the place of work. He said that his friendship with Lesley Buhagiar did not last long since both her and her husband Paul were fired by the company he worked with. Paul was a bookkeeper for timeshare and at that time some money went missing and so Paul was subsequently fired.

Asked if Katrina used to spend a lot of time with her grandfather, the accused answered that she did since in actual fact she lived there with him and he knows she used to talk to him about her being left there with her grandfather, however she never mentioned anything with regards to what used to go on between her and her grandfather.

He said that Katrina's mother and step father used to go out frequently and consequently Katrina would be left with her step grandfather or she would go to Breakpoint where he worked. Katrina never spoke about her step grandfather to him. He said that Katrina's mother did not go to work drunk, though he knew she had a drinking problem. In the evenings it was after that she was with her daughter Katrina across the road drinking.

She said that he used to take Katrina to the cinema and Mc Donald's on a weekend, between twelve and half two and this happened about five to six times. The allegations he was facing, were completely unfounded and there has never been any complaint about him in this regard ever, apart from the present one. He said that it was true that when a search was made in his flat many toys of Mc Donald's were found, but the reason behind this fact was that he was collecting these toys in order to send them to his sister's children overseas. Asked why the toys were 1999-2000 year of manufacture and that he kept them in his premises till 2002, he said that his sister was coming over to see him but due to financial reasons she did not do so and so he kept them in his possession till they came. He said he also had the intention of going over to see his mother and that he was going to take them with him and so there was no purpose in sending them by mail.

Asked how Katrina could explain his flat so well when she had only been there once, the accused answered that Katrina was a sharp child and quite intelligent. When Katrina was in his flat she had looked at everything inside it. He said that when he took Katrina to his flat, which was in the afternoon after work, he did not take her into his bedroom, perhaps she went in on her own. He said that on that occasion he had taken her to the cinema and then to his flat. She used to speak about her problems not only with him, but also to other people. He said he had no aquarium in his flat and that he did not spend a lot of money on Katrina. He said that he had an interest in Katrina since Lesley had problems and she used to speak out with him. Once again he said that Katrina's

allegations were untrue and he did not know why she had built up that story.

Asked why he had children's clothes in his flat, he said that the Schembri children spent weekends there, though recently they had gone no longer. He denied that he ever asked Katrina to stroke his private part. On that occasion when Katrina went to his flat, he did not change; he stayed in his clothes all throughout.

**On the 12<sup>th</sup> October 2004 Anthony Sammut Alessi gave evidence** [fol 231] wherein he stated that the accused present in Court has been in his employment for the last four and half years in business sales of time share. He explained that the accused spends a lot of time at work in the presence of married couples and children. As far as he knew the accused, has always proved to be reliable. Whatever he was told, with regards to clients, they were always praising him and all through his employment he never had complaints about him, on the contrary, it was all but praise. Both Lesley and Paul, Katrina's parents were in his employment, which employment they started, stopped and started again and stopped again.

He said he had met the child in question at his place of work when she had gone on a few occasions and this on occasions where there would be an incident at school when the child would go and look for her mother. He remembered that on one occasion, the child had taken a knife at school. He said he knew of the charges which the accused was facing for the past two years, and it certainly took him by surprise. He said that he kept the accused in employment on account of the presumption that he is innocent until proven guilty and since he had no indication that, what was being alleged, was true, he thought that he should keep the accused in his employment.

He said that he knew that the accused liked children and that he was in regular contact with them. The witness went on to say that in fact before his grand daughter was born, the accused was always collecting money to buy her gifts. He said he only speaks to Lesley as her employer.

He said that the accused is usually on the premises in times of work and he never got involved in any social life with his employees after their time of work. He said he did not know any of the children of his clients who would be with the accused alone.

**On the 12<sup>th</sup> October 2004 Anthony Spiteri gave evidence** [fol 233] wherein he stated that the accused used to work for him during 1999-2000. He said he owns a resort and the accused used to be selling timeshare and so used to be in contact with him at work. The accused used to be in charge of selling and so used to come across all types of people, including parents, families, single people, children and all. He said the accused was very loyal to him, used to work hard and used to be the last person to leave his resort. He said he never had complaints about the accused teasing any children on his resort. The accused went on to say that the accused used to take his son, who now was nineteen, out to the cinema every Saturday. He said his son never complained about the accused and in fact the accused used to buy things for his son at the time, including a bike, which he still had. He never objected to the accused taking his son out. He went on to say that his wife had ten brothers and sisters and about thirty eight nephews in all and the accused used to be around his son and the other nephews and actually, after he had heard what was going on, he had asked everyone of this, if they ever had any incident with the accused and none of them commented negatively against the accused. He said that at the time the accused used to take them out individually and at times altogether. He said that today these are all grown ups and he had asked them all individually.

Asked if he knew who Lesley and Paul were, the witness said he knew them since they used to work for him. He said he never had any actual problem with them. He said he did not know much about the social life of Lesley and only the fact that she used to work in a pub, which belonged to the father of Paul. He said her daughter used to go to this place after school. Her mother used to work downstairs and so the child used to be also around. He

said that her daughter never complained to him about anything regarding the accused. The girl in question was quite, she used to sit in a corner and do her homework and at times his wife used to help her with it. Most afternoons the child would be left on her own.

He said that he had two children, a boy and a girl. Asked if he ever left his daughter with the accused, the witness said he never did since she was older than his son, and already had a boyfriend, in fact she got married. He said he had other nieces who went with the accused, though he did not know whether they used to go alone or in a group, however, when he approached about ten or fifteen of them later on and confronted them with this allegation, none of them told him that they were disturbed or bothered by the accused.

**On the 3<sup>rd</sup> November 2004 Mary Rose Schembri gave evidence** [fol 237] wherein she stated that she had known the accused for the past five years, since they were friends and he was also a friend to the family. She said she was married and had three children and another one was on the way. She stated she knew that the accused used to be in the company of her two boys who at present were sixteen and eight years old, and that he used to take them to the cinema, and she never had any problems with that.

She said the Inspector also spoke to her little child for more than two hours. She went on to say that the accused used to take her two boys out to Mc Donald's sometimes in her company and on other occasions on their own. She said that he used to take them out also on a Saturday evening. She said she never had any complaint regarding any wrong approach in the sense of molestation towards her children from the accused.

Asked if she trusted the accused, she answered she did. She went on to say that at present her children are not seeing the accused on account of a court order, however she agreed that her children would start seeing him once again. She said that her little boy was always complaining

why he can't go with the accused on his own. The accused used to give gifts to her boys on Christmas, Easter and birthdays and he even made a collection of the happy meal toys for her boys. She said there were occasions when both she and her husband used to accompany the accused to the cinema and he never made any sort of indecent approach towards her. She said she had no objection in leaving her children with the accused since she never saw anything wrong in him.

She went on to say that her daughter was eighteen years old and at times she used to join them too. She said she never sent her daughter alone with the accused, but not because she did not trust him, but because she used to go out with her friends. She said the accused had bought a bike and a stereo for Dominic, whereas for her other son he had bought clothes and toys. She did not know whether the accused had any nephews. She recalled that the Police had shown her some clothes when she was in their office in particular some underwear. She said that she knew they belonged to both her sons, which clothes used to be left at the accused by them, since at times they used to shower and wash and spend the night at the accused.

**On the 3<sup>rd</sup> November 2004 Domenic Schembri gave evidence** [fol 240] wherein he stated that he knew the accused whom he had met at Breakpoint about twelve years before. He said there were times when he used to go to the accused with his mother and younger brother and then go to the cinema. He said the accused used to pick them up from their home in Imgarr and at times he used to take them to eat at Mc Donald's after going to the cinema. There were times when the accused used to accompany them back home or else they would sleep the night at his place. He said he never saw any wrong by the accused and confirmed that he never saw the accused naked, not even on the nights he slept at his place.

Asked if he wanted to see the accused again, he answered that he did because he was his friend and

especially since he never did anything wrong to him. He went on to say that the accused had bought him a bike and for Christmas he bought him a stereo, while his brother used to get a toy of the Mc Donald's pack. He said that generally the accused used to pick them up at about seven o'clock in the evening and the following morning he used to accompany them back home. This used to happen once or twice a month. They used to seep at the accused's flat quite often in a month. He said that he used to introduce the accused to his friends who would be around them too. Asked if he knew why the accused was in court, Domenic answered he did and said that the reason was that some English person was alledging that the accused molested her. He said he did not know the person who did such an accusation. He said the accused never touched him in his private part and he never showed him any rude video either. He said he knew he had his clothes at the flat of the accused since he used to change in the morning after having spent the night at his place.

**On the 15<sup>th</sup> December 2004 Roderick Spiteri gave evidence** [fol 244] wherein he stated that he he was nineteen years old and that he knew the accused for the past six or seven years since he used to work with him and his father Anthony in a hotel selling time share. When he was around twelve years old, he already knew the accused and used to go out with him on a number of occasions at that time to the cinema and Mc Donald's, at times alone and on other occasions in the company of other children. Asked whether the accused used to buy him gifts, the witness replied he used to, for example, clothes and a bike. He said that he had been to the accused's flat. Asked by the defence lawyer if throughout his friendship with the accused, he had ever seen anything wrong in his behaviour, the witness answered he never did, he was always well behaved in front of him and that he considers him a good friend of his, even though recently he lost contact with him.

Roderick Spiteri went on to say that he knew why the accused was in court, in that he was charged with

molesation. Asked if he knew the girl in question, he answered he did not.

**On the 15<sup>th</sup> December 2004 Fiona Schembri gave evidence** [fol 246] wherein she stated that she was eighteen years old and she has known the accused for the past five years, he is like a member of her family, since he has always been around helping them when they needed him. Asked by the defence lawyer, if the accused ever took her out, she replied he used to, at times on her own as well as with others. She confirmed that whenever she needed a lift to work or elsewhere, he used to accompany her. He also used to take her to Mc Donald's and to the cinema with her mother, brother and friends. She said she also went to his flat with her parents on a regular basis. Asked if the accused ever made any sexual advances towards her throughout the last five years she had known him, she categorically denied him ever having done so. She said there were many opportunities when she used to be alone at home sleeping while her mother was out shopping, and the accused would be home or other similar circumstances and he behaved well in her presence. He never exposed himself in front of her. She went on to say that the accused was a very shy person. She said she was not seeing him any longer so often since she was working late, though she was still in contact with him.

Asked by the Prosecuting Officer if she was sure that she used to be left alone on various occasions with the accused, Fiona Schembri replied she used to be. Asked by the Prosecuting Officer why her mother did say that she had never been alone in the company of the accused, the witness answered that perhaps she used to do it when it was not planned, but she confirmed there were occasions when she was alone in the accused's company. She said it could be that she had forgotten that she was sleeping alone in the presence of the accused.

The Court made an appreciation of all the witnesses that both the prosecution and the defence brought forward. It was able to note the demeanour conduct and character of



all the witnesses as to the probability consistency and other features of their statements, to be able to make a better judgment of all the evidence it heard. The Court took note of certain contradicting statements, which the alleged victim and her mother stated. This it did so that it was in a better position when judging the credibility of the witnesses.

It is the opinion of the Court that Katrina Leach was not consistent in her version of facts. She first stated whilst still in Malta, that it was her step grandfather who used to molest her, and this is when Katrina, her step father Paul and her mother left to the United Kingdom. It was then that she changed her version of facts and stated that it was the accused who molested her. However, the Police in England too were quite sceptic about such a report and in fact told her mother to be sure of the facts and make her daughter tell the true facts before reporting the case further.

Ms Buhagiar says that her daughter had a good relationship with her step father in spite of this allegation. She denies the fact that her daughter Katrina first started spreading rumours that it was her step grandfather who molested her. In fact, she says that it is not true that Katrina made such an allegation. She also stated that on account of the molestation of the accused that she ended up receiving psychiatric help. It transpired however from the evidence of the daughter, that she had suicidal tendencies and in fact used to inflict self harm prior to her ever meeting the accused whilst she was still at school in England. In fact, contrary to what her mother says, she wrote a few letters to herself saying that she was fed up of life. Ms Buhagiar stated that these letters were written after Katrina was molested. However, Katrina says that they were written long before this incident arose. Ms Buhagiar also stated that when in England she found a diary of her daughter with confessions of what she was going through, but when Katrina was asked about this alleged diary, Katrina stated that she had never kept a diary. In fact no such diary was ever exhibited in these proceedings.

Ms Buhagiar stated that she did not drink much, whereas her daughter Katrina said that her mother used to drink and get drunk in the bar of her step grand father, on various occasions.

The Prosecution made reference to the boys and other childrens' clothes found in premises of the accused during a search. The accused however gave a plausible account for their presence. He said that the clothes belonged to two Schembri brothers who in fact were brought to Court by the defence to confirm this fact and that he had bought the toys to send them to his sister's children as a gift. This was in no way contested.

The accused on the other hand brought forward a number of witnesses who all stated that it is true that the accused liked children and that he used to look after a number of them and that he used to take them all to the cinema, to Mc Donald's and at times to his flat. None of these children alledged what Katrina did and in fact a number of them also stated that they used to sleep at the accused and never witnessed any wrong doing from the accused.

The Court finds it very hard to believe that Katrina was traumatised by the actions of the accused and that she took so long to report the incident. The Court honestly feels that something is wrong with the girl in that she had an underlying problem, but not that the problem is in any way directed or associated with the accused and that the blame being directed to the accused, is just a cover up for her underlying ailment.

The Court is not convinced that the accused molested the minor in any way.

In the circumstances the Court does not feel that the prosecution has proved its case beyond reasonable doubt.

Consequently after taking note of all the Sections at law in particular Section 201(a), 203(1)(a), 207, 18, 31, 17(h),

Kopja Informali ta' Sentenza

20, 22 and 533 of the Criminal Code, **the Court decides to find the accused HUGH GLASS not guilty of the charges brought forward against him and acquits him of all charges.**

**< Sentenza Finali >**

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