MALTA

# QORTI TA' L-APPELL KRIMINALI

**ONOR. IMHALLEF**
**DAVID SCICLUNA**

Seduta tas-16 ta' Ottubru, 2006

Appell Kriminali Numru. 15/2006

**Il-Pulizija**

**v.**

**Stanley Spiteri**

Il-Qorti,

Rat l-imputazzjonijiet migjuba mill-Pulizija Ezekuttiva kontra Stanley Spiteri talli:

a) fid-9 ta' Mejju 2003, ghall-habta tad-9 ta’ filghaxija fi Triq Elia Zammit, San Giljan, ikkommetta serq ta’ diversi oggetti fosthom zewg speakers tal-marka mhux maghrufa, minn go vettura Peugeot 106 bin-numru ta’ registrazzjoni AAL-748, li huwa kkwalifikat bil-hin, valur li jiskorri l-mitt liri Maltin (Lm100) izda mhux l-elf Liri Maltin (Lm1000) u xorta tal-haga misruqa u li sar ghad-detriment ta’ Laurence John Zahra;

b) fl-istess data, hin, lok u cirkostanzi, volontarjament hassar, ghamel hsara, jew gharraq hwejjeg haddiehor mobbli jew immobbli, liema hsara hija izjed minn hamsin liri Maltin (Lm50) izda anqas minn hames mitt liri Maltin (Lm500) u li sar ghad-detriment ta’ Laurence John Zahra;

c) fl-istess data, hin, lok u cirkostanzi, xjentement laqa’ ghandu jew xtara hwejjeg misruqa, mehuda b’qerq jew akkwistati b‘reat, sew jekk dan sar f’Malta jew barra minn Malta, jew xjentement b’kull mod li jkun, indahal biex ibieghhom jew imexxihom;

d) irrenda ruhu recidiv b’diversi sentenzi moghtija mill-Qrati tal-Magistrati (Malta), nhar it-22 ta’ Gunju 1998, 22 ta’ Marzu 1999, 17 ta’ Novembru 2000, liema sentenzi huma definittivi u ma jistghux jigu mibdula;

e) fil-perijodu operattiv ta’ sentenza sospiza moghtija mill-Qorti tal-Magistrati (Malta), datata 17 ta’ Novembru 2000, fejn huwa kien instab hati u kkundannat ghall-piena ta’ 18 il-xahar prigunerija sospizi ghal tliet snin, ikkommetta reat li ghalih hemm il-piena ta’ prigunerija;

Rat is-sentenza tal-Qorti tal-Magistrati (Malta) bhala Qorti ta' Gudikatura Kriminali tat-18 ta’ Jannar 2006 li permezz taghha dik il-Qorti sabet lill-imsemmi Stanley Spiteri hati ta' l-imputazzjonijiet dedotti kontra tieghu u kkundannatu ghall-piena ta’18 il-xahar habs [*recte*: prigunerija] kif ukoll ordnat fil-konfront tal-ksur tas-sentenza sospiza li, minflok tqieghed fis-sehh dik is-sentenza ta’ prigunerija, il-perijodu operattiv jibda jsehh mid-data tas-sentenza appellata;

Rat ir-rikors ta’ appell ta' l-imsemmi Stanley Spiteri pprezentat fit-30 ta’ Jannar 2006, li permezz tieghu talab li din il-Qorti tirriforma is-sentenza appellata billi tapplika piena ehfef u aktar adattata, u senjatament li titnehhilu l-piena karcerarja inflitta mill-Ewwel Qorti, u tikkonfermaha fil-kumplament;

Rat l-atti kollha tal-kawza;

Semghet it-trattazzjoni tad-difensuri tal-partijiet;

Ikkunsidrat:

Dan huwa appell mill-piena. L-appellant jghid illi l-piena inflitta hija eccessiva (1) minhabba c-cirkostanzi tal-kaz u (2) minhabba li ma kienx hemm proporzjonalita` fil-piena nflitta liz-zewg ko-imputati ghall-istess reat.

Kwantu ghall-ewwel aggravju, l-appellant jghid illi huwa rregistra ammissjoni fl-interrogatorju tal-Pulizija u kkoopera maghhom biex il-kaz jigi solvut u anke rregistra ammissjoni fi stadju bikri ta’ dawn il-proceduri; illi r-*res furtiva* giet ritornata lid-derubat u anke ghamel tajjeb ghall-hsara fil-karrozza; illi wera li verament iddispjacih ghal dak li kien ghamel u kien ghamlu meta kien ghadu bil-vizzju tad-droga izda issa ghamel programm ta’ rijabilitazzjoni fil-Komunita` Santa Marija li temm b’success, baqa’ jaghti kampjuni ta’ l-urina, u recentement sab impjieg.

Issa jinghad l-ewwelnett illi fit-termini tal-gurisprudenza ormai kostanti tal-Qrati taghna, meta jkun hemm ammissjoni huwa xi ftit jew wisq odjuz appell minn piena sakemm din tkun tirrientra fil-limiti li tipprefiggi l-ligi. Dan huwa hekk peress illi min jammetti jkun qieghed jassumi r-responsabilita` tad-decizjoni li jkun ha u jirrimetti ruhu ghal kull decizjoni dwar piena li l-Qorti tkun tista' tasal ghaliha. Naturalment dan ma jfissirx li din il-Qorti u Qrati ohra ta' appell ma jidhlux f'ezami akkurat tac-cirkostanzi kollha biex jaraw jekk il-piena nflitta kenitx eccessiva jew le. Mhuwiex normali pero`, li tigi disturbata d-diskrezzjoni ta' l-Ewwel Qorti jekk il-piena nflitta tkun tidhol fil-parametri tal-ligi u ma jkun hemm xejn x'jindika li kellha tkun inqas minn dik li tkun inghatat. Ammissjoni bikrija mbaghad mhux bil-fors jew dejjem, jew b'xi forma ta' dritt jew awtomatikament, tissarraf f'riduzzjoni fil-piena (**Il-Pulizija v. David Vella**, 2 ta’ Dicembru 2005).

Kwantu ghar-ritorn tar-*res furtiva*, dan jidher li sar peress illi l-appellant u siehbu nqabdu prattikament *in flagrante*. Difatti fil-verzjoni li l-appellant jidher li ta lill-ufficjal tal-

probation Trevor Calafato qal illi fetah il-karrozza quddiem in-nies u ghalhekk inqabdu mill-ewwel.

Naturalment huwa lodevoli l-fatt illi l-hsara li saret fil-karrozza thallset lill-vittma fil-mori tal-proceduri quddiem l-ewwel Qorti bhalma huma lodevoli l-punti l-ohra msemmija mill-appellant. Izda dawn huma kollha fatturi, ghajr forsi li l-appellant recentement sab impjieg, li kienu quddiem l-ewwel Qorti u li hadet konjizzjoni taghhom. Difatti l-ewwel Qorti kienet gustament preokkupata bil-fatt illi, nonostante illi l-appellant kien temm b'success programm residenzjali fil-Komunita` Santa Marija, huwa rega' kiser il-ligi. Bhalma kienet ukoll gustament preokkupata bil-fatt illi l-appellant kien diga` nghata diversi opportunitajiet mill-Qrati tal-Magistrati biex jirriforma ruhu. Fil-fatt, b'sentenza tat-22 ta' Gunju 1998 kien inghata *conditional discharge* ghal perijodu ta' sitt xhur dwar serq ta' tliet batteriji, liema serq kien ikkwalifikat bil-valur, hin u xorta tal-haga misruqa. B'sentenza ohra tat-22 ta' Marzu 1999 kien tqieghed taht probation ghal perijodu ta' sentejn dwar serq ta' flus minn diversi nicec u liema serq kien ikkwalifikat bil-mezz u bil-hin. B'sentenza tad-9 ta' Frar 1999 inghata *conditional discharge* ghal perijodu ta' tliet xhur talli waqt li kien qieghed isuq vettura qasam il-lini bojod kontinwi. B'sentenza tas-17 ta' Novembru 2000 gie kkundannat tmintax-il xahar prigunerija sospizi ghal tliet snin dwar serq ta' diversi oggetti u ta' flus liema serq kien ikkwalifikat bil-valur u bix-xorta tal-haga misruqa u dwar iddenunzjar ta' reat li ma kienx sar. Imbaghad b'sentenza tad-29 ta' Marzu 2001 rega' tqieghed taht probation ghal perijodu ta' hmistax-il xahar talli kellu fil-pussess tieghu d-droga eroina.

It-tieni aggravju ta' l-appellant huwa dwar id-disparita` bejn is-sentenza moghtija lilu u dik lill-ko-imputat l-iehor. Dwar id-disparita` fis-sentenzi, il-Qrati taghna kellhom diga` okkazjoni jisiltu linji ta' gwida minn sentenzi tal-Qrati Inglizi li jittrattaw sitwazzjonijiet simili. F'***Blackstone's Criminal Practice*, 2001** (para. D22.47 a fol. 1650) jinghad:

*"A marked difference in the sentences given to joint offenders is sometimes used as a ground of appeal by the offender receiving the heavier sentence. The approach of the Court of Appeal to such appeals has not been entirely consistent. The dominant line of authority is represented by Stroud (1977) 65 Cr App R 150. In his judgment in that case, Scarman LJ stated that disparity can never in itself be a sufficient ground of appeal - the question for the Court of Appeal is simply whether the sentence received by the appellant was wrong in principle or manifestly excessive. If it was not, the appeal should be dismissed, even though a co-offender was, in the Court of Appeal's view, treated with undue leniency. To reduce the heavier sentence would simply result in two rather than one, over-lenient penalties. As his lordship put it, 'The appellant's proposition is that where you have one wrong sentence and one right sentence, this court should produce two wrong sentences. That is a submission which this court cannot accept'. Other similar decisions include Brown [1975] Crim LR 177, Hair [1978] Crim LR 698 and Weekes (1980) 74 Cr App R 161…. However, despite the above line of authority, cases continue to occur in which the Court of Appeal seems to regard disparity as at least a factor in whether or not to allow an appeal (see, for example, Wood (1983) 5 Cr App R (S) 381). The true position may be that, if the appealed sentence was clearly in the right band, disparity with a co-offender's sentence will be disregarded and any appeal dismissed, but where a sentence was, on any view, somewhat severe, the fact that a co-offender was more leniently dealt with may tip the scales and result in a reduction.*

*Most cases of disparity arise out of co-offenders being sentenced by different judges on different occasions. Where, however, co-offenders are dealt with together by the same judge, the court may be more willing to allow an appeal on the basis of disparity. The question then is whether the offender sentenced more heavily has been left with 'an*

***understandable and burning sense of grievance' (Dickinson [1977] Crim LR 303). If he has, the Court of Appeal will at least consider reducing his sentence. Even so, the prime question remains one of whether the appealed sentence was in itself too severe. Thus, in Nooy (1982) 4 Cr App R (S) 308, appeals against terms of 18 months and nine months imposed on N and S at the same time as their almost equally culpable co-offenders received three months were dismissed. Lawton LJ said:***

***'There is authority for saying that if a disparity of sentence is such that appellants have a grievance, that is a factor to be taken into account. Undoubtedly, it is a factor to be taken into account, but the important factor for the court to consider is whether the sentences which were in fact passed were the right sentences.'"***

F'**Archbold** ***Criminal Pleading, Evidence and Practice*****, 2006** (para. 5-106, p. 588) jikkummenta hekk:

***"Where an offender has received a sentence which is not open to criticism when considered in isolation, but which is significantly more severe than has been imposed on his accomplice, and there is no reason for the differentiation, the Court of Appeal may reduce the sentence, but only if the disparity is serious. The current formulation of the test has been stated in the form of the question: "would right-thinking members of the public, with full knowledge of the relevant facts and circumstances, learning of this sentence consider that something had gone wrong with the administration of justice?" (per Lawton L.J. in R. v. Fawcett, 5 Cr. App.R.(S) 158 C.A.). The court will not make comparisons with sentences passed in the Crown Courts in cases unconnected with that of the appellant (see R. v. Large, 3 Cr.App.R.(S) 80, C.A.). There is some authority for the view that disparity will be entertained as a ground of appeal only in relation to sentences passed on different offenders on the same occasion: see R.v. Stroud, 65 Cr. App.R. 150,***

***C.A. It appears to have been ignored in more recent decisions, such as R. v. Wood, 5 Cr.App.R.(S) 381. C.A., Fawcett, ante, and Broadbridge, ante. The present position seems to be that the court will entertain submissions based on disparity of sentence between offenders involved in the same case, irrespective of whether they were sentenced on the same occasion or by the same judge, so long as the test stated in Fawcett is satisfied."***

Fil-kaz in ezami huwa sufficjenti illi wiehed jezamina l-fedini penali taz-zewg ko-imputati. Il-fedina penali ta' l-appellant tikkontjeni il-kazijiet kollha hawn fuq elenkati filwaqt illi dik tal-ko-imputat l-iehor hija netta. Barra minn hekk l-appellant gie akkuzat li sar recidiv kif ukoll illi kkommetta r-reati odjerni waqt il-perijodu operattiv ta' sentenza sospiza. Ghalhekk l-appellant m'ghandux ragun meta jilmenta dwar disparita` bejn il-mod kif l-ewwel Qorti ttrattat mieghu u mal-ko-imputat l-iehor.

Wara li nghad dan kollu pero` din il-Qorti ghandha numru ta' osservazzjonijiet x'taghmel:

L-appellant gie akkuzat b'ricettazzjoni skond it-tielet imputazzjoni. L-ewwel Qorti qalet li "l-akkuza ippostulata taht l-artikolu 334 tal-Kapitolu 9 tal-Ligijet ta' Malta hija wahda kompriza u nvoluta [fir-reat ta' serq]". Dan mhuwiex korrett. Ir-ricettazzjoni huwa reat awtonomu mis-serq u mhux kompriz u involut fir-reat principali[1], u ghalhekk l-imputazzjoni ta' ricettazzjoni hija wahda alternattiva ghal dik ta' serq.
It-tieni punt jirrigwarda r-raba' imputazzjoni, dik fejn l-appellant gie akkuzat li rrenda ruhu recidiv b'diversi sentenzi moghtija mill-Qrati tal-Magistrati, u specifikatament tat-22 ta' Gunju 1998, tat-22 ta' Marzu 1999 u tas-17 ta' Novembru 2000.

Kif diga` nghad, bis-sentenza tat-22 ta' Gunju 1998 l-appellant kien inghata *conditional discharge* u b'dik tat-22

[1] Ara, per ezempju, Appell Kriminali fl-ismijiet **Il-Pulizija v. Nazzareno Zarb et**, 16 ta' Dicembru 1998, Vol. LXXXII.iv.446; Appell Kriminali fl-ismijiet **Il-Pulizija v. Joseph Aquilina**, 25 ta' April 2006.

ta’ Marzu 1999 kien tqieghed taht probation. Irid ghal darb’ohra jigi ribadit illi dikjarazzjoni ta’ htija dwar xi reat li dwaru ssir ordni taht il-Kap. 446 (u qabel il-Kap. 152) “ghandha titqies li ma tkunx dikjarazzjoni ta’ htija ghal ebda fini tkun li tkun hlief” fic-cirkostanzi msemmija fl-artikolu 25 tal-Kap. 446 (qabel l-artikolu 12 tal-Kap. 152) u liema cirkostanzi mhumiex applikabbli ghall-kaz odjern. Ghalhekk persuna ma tistax titqies recidiva jekk tikkommetti delitt iehor matul il-perijodu tal-*conditional discharge* jew il-perijodu ta’ *probation*[2]. Jigifieri l-appellant ma jmissux gie akkuzat li sar recidiv minhabba s-sentenzi msemmija tat-22 ta’ Gunju 1998 u tat-22 ta’ Marzu 1999 u lanqas ma kellu jinstab hati ta’ hekk.

Kwantu ghas-sentenza tas-17 ta’ Novembru 2000 fejn l-appellant gie kkundannat sentenza ta’ prigunerija li giet sospiza ghal tliet snin, jigi premess illi jekk il-perijodu operattiv ta’ sentenza sospiza jkun ghadu ma skadiex, il-persuna li tikkommetti delitt iehor matul il-perijodu operattiv tista’ titqies bhala recidiva skond l-artikolu 49 tal-Kap. 9 izda mhux ukoll skond l-artikolu 50 tal-Kap. 9[3]. F’dan il-kaz, ir-reati addebitati lill-appellant skond l-ewwel zewg imputazzjonijiet gew kommessi matul il-perijodu operattiv tas-sentenza sospiza msemmija u ghalhekk l-appellant seta’ jigi dikjarat li hu recidiv biss skond l-artikolu 49 tal-Kap. 9 u mhux ukoll skond l-artikolu 50.

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[2] Ara Appell Kriminali **Il-Pulizija v. Johan Sultana**, 2 ta’ Awissu 2006.

[3] Ara artikolu 28F tal-Kap. 9 li jipprovdi: **“Meta l-qorti tkun qeghda tittratta ma’ hati dwar reat, li ghalih hemm piena ta’ prigunerija, li jkun sar fil-perijodu operattiv ta’ sentenza sospiza, hija ghandha tqisu bhala recidiv fit-tifsir ta’ l-artikolu 49 sabiex tqis il-piena li jkun jisthoqq ghal dak ir-reat l-iehor, izda l-piena moghtija fis-sentenza sospiza ma ghandhiex titqies ghall-finijiet ta’ l-artikolu 50 hlief jekk dik is-sentenza tkun bidet issehh u sakemm dik il-piena ma tkunx giet skontata jew mahfura.”** L-artikolu 49 tal-Kap. 9 jipprovdi: **“Persuna titqies recidiva jekk, wara li tkun giet ikkundannata ghal reat b’sentenza li tkun saret definittiva, taghmel reat iehor.”** L-artikolu 50 tal-Kap. 9 jipprovdi: “**Meta persuna ikkundannata ghal delitt, taghmel delitt iehor fi zmien ghaxar snin minn dak in-nhar li tkun skontat jew tkun giet mahfura l-piena, jekk iz-zmien ta’ dik il-piena kien izjed minn hames snin, jew fi zmien hames snin, fil-kazijiet l-ohra kollha, tista’ tehel piena akbar bi grad wiehed mill-piena stabbilita ghal dak id-delitt iehor.”**

Issa, f'dan l-kaz l-appellant, li kien assistit minn avukat difensur quddiem l-ewwel Qorti, x'aktarx – kif jidher li qed jigri ta' spiss – bl-isperanza li l-ammissjoni bikrija tieghu twassal ghal sentenza leggera, iddecieda li jammetti minghajr ebda rizerva, anzi gie dikjarat li sahansitra ma kellux bzonn zmien biex jahsibha. Imputat, jew akkuzat, specjalment meta jkun assistit, m'ghandux l-ewwel jammetti bl-addocc imbaghad, meta s-sentenza ma tkunx skond l-aspettattiva tieghu, jissolleva fl-appell prattikament l-istess kwistjonijiet li jkunu gew sollevati quddiem l-ewwel Qorti. Il-punti li ssollevat din il-Qorti, u li sfuggew lill-appellant anke f'din l-istanza, fil-fatt imisshom gew sollevati quddiem l-ewwel Qorti. Fl-istess hin din il-Qorti ma tistax thalli difetti bhal dawk imsemmija ghaddejjin minghajr ma tattira l-attenzjoni ghalihom u minghajr ma tikkunsidrahom fid-decizjoni ahharija taghha – id-dettami tal-haqq hekk jirrikjedu.

Issa, l-piena ghall-ewwel imputazzjoni hija dik ta' prigunerija minn hames xhur sa tliet snin li ma tinghatax fil-*minimum*, jigifieri l-piena ghandu jkun fiha ghall-anqas terz tad-differenza bejn il-*minimum* u l-*maximum*, jigifieri ghall-anqas ghaxar xhur u ghaxart ijiem. Id-delitt taht it-tieni imputazzjoni mbaghad serva bhala mezz biex isir id-delitt skond l-ewwel imputazzjoni u kwindi, a tenur ta' l-artikolu 17(h) tal-Kap. 9, ghandha tinghata l-piena ghar-reat l-aktar gravi, cioe` dak migjub bl-ewwel imputazzjoni. Filwaqt illi minn dan kollu jirrizulta illi l-piena moghtija mill-ewwel Qorti xorta taqa' fil-parametri tal-ligi, il-fatt li dik il-Qorti kkunsidrat lill-appellant bhala recidiv taht l-artikolu 50 tal-Kap. 9 x'aktarx kien wiehed mill-fatturi determinanti biex timponi l-piena ta' tmintax-il xahar prigunerija li effettivament imponiet.

Minhabba sottomissjonijiet li saru mid-difiza dwar il-kuntatti kontinwi ta' l-appellant ma' l-agenzija SEDQA u l-mod kif qieghed juri aktar responsabbilta` fl-imgieba tieghu u wara li rat il-*pre-sentencing report* ipprezentat minn Trevor Calafato, dehrilha li jkun opportun li tisma' x-xiehda ta' Vicky Scicluna mill-imsemmija agenzija.

Effettivament fis-seduta tat-13 ta' Ottubru 2006 instemghet ix-xiehda taghha u minn hemm jidher car illi l-appellant ghamel diversi tentattivi biex jirrijabilita ruhu mill-problema tad-droga izda sfortunatament kellu, kif sejhitilhom l-imsemmija Vicky Scicluna, numru ta' *"slips"* u *"relapses"* u, fuq mistoqsija tal-Qorti, irrakkomandat illi l-appellant jerga' jaghmel programm ta' rijabilitazzjoni residenzjali.

Wara li din il-Qorti hasbet fuq ic-cirkostanzi kollha ta' dan il-kaz u l-isforzi li l-appellant ghamel u li ghadu jaghmel sabiex jaqta' ghal kollox mill-vizzju tad-droga, u wara li l-appellant iddikjara li huwa lest li jaghmel programm residenzjali ta' rijabilitazzjoni, hija tal-fehma illi huwa fl-interess mhux biss ta' l-appellant izda anke tas-socjeta` illi huwa jinghata din l-ahhar opportunita` sabiex jaqta' darba ghal dejjem minn dan il-vizzju qerriedi u sabiex juri li tabilhaqq huwa lest ihalli kull aspett ta' kriminalita` warajh. Ghalhekk hi ppreparata li tiehu r-riskju li tqieghed lill-appellant taht *probation* bil-kundizzjoni, fost ohrajn, illi jaghmel programm residenzjali ta' rijabilitazzjoni minhabba l-problema tad-droga bl-ammoniment illi jekk l-appellant jikser xi kundizzjoni ta' l-ordni ta' *probation*, jew jikkommetti reat iehor fil-perijodu ta' *probation*, m'ghandux jippretendi li jsib hajt ta' kenn quddiem il-qrati ta' gustizzja kriminali.

Ghal dawn il-motivi:

Tiddisponi mill-appell billi tirriforma s-sentenza appellata u tirrevokaha in kwantu ddikjarat illi t-tielet imputazzjoni hija kompriza u involuta fir-reat ta' serq u, stante illi din inghatat bhala imputazzjoni alternattiva ghall-ewwel imputazzjoni u ma tirrizultax, ma ssibux hati ta' din it-tielet imputazzjoni u minnha tilliberah, tirrevokaha wkoll in kwantu sabet lill-appellant hati tar-raba' imputazzjoni li sar recidiv skond l-artikoli 49 u 50 tal-Kap. 9 u minn dik l-imputazzjoni tilliberah izda minflok issibu hati biss li sar recidiv a tenur ta' l-artikolu 49 tal-Kap. 9 u dan biss fir-rigward tas-sentenza tal-Qorti tal-Magistrati tas-17 ta' Novembru 2000, u fl-ahharnett tirrevokaha in kwantu kkundannatu ghal prigunerija ghal perijodu ta' tmintax-il

xahar u minflok tqieghdu taht probation a tenur ta’ l-artikolu 7 tal-Kap. 446 ghal perijodu ta’ tliet snin millum taht is-sorveljanza ta’ ufficjal tal-probation li jigi nominat ghal dan l-iskop u bil-kondizzjonijiet kollha fil-*probation order* li qieghed jigi hawn anness, inkluz fosthom li jikkompleta programm shih ta’ rijabilitazzjoni (kompriza dik residenzjali) minhabba l-problema ta’ l-abbuz tad-droga. Tordna li kopja ta’ l-ordni ta’ *probation* tigi minnufih komunikata lill-*probationer* u lill-Ufficjal Principali tal-*Probation*. Tikkonferma s-sentenza appellata fil-kumplament, b’dan li l-perijodu operattiv tas-sentenza sospiza ta’ tmintax-il xahar prigunerija nflitti bis-sentenza tal-Qorti tal-Magistrati tas-17 ta’ Novembru 2000 jigi estiz ghal tliet snin millum. Ghal kull bwon fini jigi dikjarat li din il-Qorti spjegat lill-appellant, bi kliem li huwa jifhem, ta’ l-ordni ta’ *probation* u l-kundizzjonijiet hemm elenkati, u li jekk jonqos milli jikkonforma ruhu mal-kundizzjonijiet imsemmija huwa jista’ jinghata sentenza ghar-reati originali. Hija spjegat ukoll lill-appellant, bi kliem car, ir-responsabbilta` tieghu taht l-artikolu 28B tal-Kap. 9 jekk matul il-perijodu operattiv huwa jikkommetti reat iehor li ghalih hemm piena ta’ prigunerija. Fl-ahharnett, tattira l-attenzjoni tar-Registratur tal-Qorti ghad-dmirijiet tieghu skond l-artikolu 28A(8) tal-Kap. 9.

**< Sentenza Finali >**

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