MALTA

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

MAGISTRATE
ANTONIO GIOVANNI VELLA

Sitting of the 21 st January, 2010

Number. 439/2009

POLICE
INSPECTOR ELTON TALIANA

VS

JILIAN EDWINA WATSON
MALCOLM GEORGE WATSON

The Court;

After seeing the charges brought against:

Jilian Edwina Watson, born in UK on the 18th November 1956, residing at Flat 1, Kennedy Grove Court, Qawra Road, Qawra and holder of Passport number 105998340;

And

Malcolm George Watson born in UK on the 11th July 1942, residing at Flat 1, Kennedy Grove Court, Qawra Road, Qawra, and holder of Passport number 109555512;

For Having:

1)   On the 26th June 2008 and in the weeks before at the Residence 125, Mosta Road, Attard misappropriated, converted to their own benefit or to the benefit of any other person, any thing which has been entrusted or delivered to them under a title which implies an obligation to return such thing, or to make use thereof for a specific purpose;

2)   And without intension to steal or to cause any wrongful damage, but only in the exercise of pretended rights, compelled another person to pay a debt, to fulfil any obligation whatsoever , disturbed the possession of anything enjoyed by Mary Spiteri

Considers:

After having seen the Articles 293 and 85 of Chapter 9 of the Law of Malta;

After having heard the evidence and the documents exhibited;

Considers further;

The facts of the case were as follows. The accused rented an apartment from Mary Spiteri through a local agency. For some reason unknown to the Court, the lease was terminated earlier than agreed, and the Watsons vacated the property, taking with them all their personal belongings. Subsequently, Spiteri filed a report with the Police claiming that they had taken several items from her apartment with them, without her prior authorisation.

Criminal proceedings were thus initiated against the accused.

From the evidence submitted, the Court is of the opinion that the Prosecution failed to reach the desired degree of proof required by law. In the first instance, Mary Spiteri testified that the Watsons had taken a number of items from her apartment, but the list of these items as presented by her was not the same as she had stated originally in the Police report. When she testified in Court, she simply produced a handwritten paper with several items listed and a corresponding value given to each item, which list differed considerably from what she had stated originally. The handwritten list presented in Court conveniently had more items. Secondly, she did not produce any evidence that the items had been taken from her property, or that the items were actually there in the first place. Thirdly, she did not produce any evidence as to the actual value of the items mentioned. It was simply her word against that of the accused. In criminal cases, this evidence is simply not enough. The onus of proof placed on the Prosecution requires far more than this, and the Court cannot simply find any guilt in the Watsons based on this evidence and testimony.

On the other hand, the evidence submitted in defence by the accused was both more credible and more convincing. They explained how they had found the apartment through an agency, arranged for funding for it to be decorated, and brought over their belongings from the UK. They stayed in the property for barely a month, and decided to move out to another place. They categorically denied taking anything which was not theirs, except for a bag of scrap material which Jillian Watson said she was given by Spiteri. In default of any concrete evidence against the accused, as happened in this case, the Court has no option but to acquit them from all criminal charges brought against them.

For these reasons, therefore;

Courts of Justice

This Court does not find the accused guilty as charged, and consequently acquits them from the charges brought against them.

The Court explained in clear words the terms of the judgement to the accused.

< Final Judgement >

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Courts of Justice