



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

**MAGISTRAT DR.
DOREEN CLARKE**

Seduta tat-12 ta' Marzu, 2013

Numru. 233/2013

**Police
[Inspector Edmond Cuschieri]**

vs

Matthew Joseph Sciberras

Case Number 233/2013

Today, the 12th March, 2013

The Court, having seen the charges against Matthew Joseph Sciberras, of 32 years, son of Martin Sciberras and Beverly nee' Townsend, born on the 28th April, 1980 in England, residing at Joanna, Flat 7, Triq it-Turisti, San Pawl il-Bahar and holder of identity number 465794 (M).

Charged with having on the 11th March, 2013 at around 10.00a.m, inside the residence Joanna, Flat 7, Triq it-Turisti, San Pawl il-Bahar without intent to kill or to put the

life David Sciberras in manifest jeopardy, caused harm to his body or health, or caused to such other person a mental derangement which bodily harm is deemed to be grievous if it causes any deformity or disfigurement in the face, neck, or either of the hands of the person injured and also because it was caused by any wound which penetrates into one of the cavities of the body, without producing any of the effects mentioned in article 218, and this in terms of articles 214 and 216(1)(b)(c) of Chapter 9 of the Laws of Malta, and also because the offence was committed by an arms proper in terms of article 217 of Chapter 9 of the Laws of Malta.

Also on the same date, time and place the accused had in his possession a regular firearm (air soft pistol) of make Walther with a license from the Commissioner of Police.

Also the accused is charged with having committed the crime he is accused with, within the operative period of a probation order.

The Court was requested, in case of guilt, to sentence the person convicted, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the Proces Verbal of the Inquiry.

The Court was also requested, in case of guilt, to provide for the security of the victim.

Having seen sections 214, 216(1)(a), 217 and 222(1)(a) of Chapter 9 of the Laws of Malta, section 5(1)(a) of Chapter 480 of the Laws of Malta, and sections 7 and 23 of Chapter 446 of the Laws of Malta.

Having seen the consent of the Attorney General for this case to be tried summarily and that the defendant did not object to the case being so tried.

Having seen that the accused admitted the charges brought against him and confirmed his admission of guilt

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even after having been given sufficient time to reconsider his plea.

Having seen the documents exhibited.

Having heard the submissions of the parties regarding the penalty to be meted out.

Having considered

That defendant admitted the charges brought against him; these are consequently sufficiently proved.

With regards to the penalty to be meted out the Court considered the nature of the offences of which the defendant is being found guilty and the circumstances which led to the incident in question including the provocation by the injured party. The Court also took into consideration the fact that the defendant himself reported the matter to the police, his cooperation in the investigations, his admission at the earliest stage of these proceedings as well as his conviction sheet.

Wherefore the Court, after having seen section 214, 216(1)(a), 217 and 222(1)(a) of Chapter 9 of the Laws of Malta, section 5(1)(a) of Chapter 480 of the Laws of Malta, and sections 7 and 23 of Chapter 446 of the Laws of Malta, on his admission finds defendant guilty of the charges brought against him and condemns him to seven months imprisonment which by application of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of two years. By application of section 56 of Chapter 480 of the Laws of Malta the Court is confiscating the air gun formally exhibited in the acts of the proceedings, and by application of section 57 of the same Chapter 480 is disqualifying defendant from any license which may be obtained in terms of the said Chapter 480. Furthermore and by application of section 533 of Chapter 9 of the Laws of Malta the Court is ordering defendant to pay the Registrar the expenses incurred in the employment of experts; payment is to be effected within six months from notice thereof. In this regard the Court is

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hereby terminating the nomination given to each of the experts nominated in the course of the proces verbal. In terms of section 23(1)(a) of Chapter 446 of the Laws of Malta the Court is opting not to deal with the defendant for the offences for which the probation order was made on the 22nd June 2012.

The Court explained to the defendant in ordinary language the significance of this judgment and of the consequences should he commit another offence in the period of two years.

< Sentenza Finali >

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