



MALTA

**COURT OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**MAGISTRATE**  
**AARON BUGEJA**

Sitting of the 24 th August, 2014

Number. 787/2014

**The Police**

**(Inspector Jason Francis Sultana)**

vs

**Christina Betke**

The Court,

Having seen the charges proffered against the accused BETKE wherefore she was charged of having, on the 23rd August 2014, in the Triq ix-Xatt, Sliema at around 22:10 :

- (a) impeded or disturbed the performance of any function, ceremony or religious service of the Roman Catholic Apostolic Religion or of any other religion tolerated by law, which is carried out with the assistance of a minister of religion or in any place of

## Informal Copy of Judgement

worship or in any public place or place open to the public and this in contravention of Article 165(1) of the Criminal Code;

- (b) on the same date, time, place and circumstances, in any manner not otherwise provided for in the Criminal Code, wilfully disturbed the public good order or the public peace and this in contravention of Article 338(dd) of the Criminal Code;
- (c) on the same date, time, place and circumstances, in any public place or place open to the public, is found drunk and incapable of taking care of herself and this in contravention of Article 338(ff) of the Criminal Code;
- (d) on the same date, time, place and circumstances, in the harbours, on the seashore or in any other public place, exposes himself naked or is indecently dressed and this in contravention of Article 338(q) of the Criminal Code;

The Court analysed the documents that were exhibited and all the records of the proceedings and noted that during the court of the examination of the person charged in terms of Article 392(1) of the Criminal Code, the same declared that she was guilty as charged. In terms of Article 392A(1) and 453(1) of the Criminal Code, the Court warned the person charged in the most solemn manner about the legal consequences of her reply and gave her a period of time within which to decide whether to withdraw her plea of guilt.

After the lapse of this period of time, the Court asked the person charged whether she was persisting with her guilty plea and she replied that she was reiterating her statement that she was guilty as charged.

The Court ordered that this reply be registered in writing in the records of these proceedings.

The Court heard submissions by the prosecuting officer as well as by the defence counsel in relation to the punishment that ought to be meted out against the accused.

The Court heard the Prosecuting Officer declare that the accused has been living in Malta for the past few months and that this was a one off incident, that the accused has a clean criminal record and that the accused expressed that she was sorry and apologised for her actions. In the circumstances, the Prosecuting officer declared that the Court may wish to consider a conditional discharge in this case.

The accused in open court publicly apologised for her actions.

*Consequently decides :-*

That in view of the unconditional guilty plea registered by the accused, this Court finds Christina Betke guilty of the charges brought against her and after having seen Articles 165(1), 338(dd), 338(ff) and 338(q) of Chapter 9 of the Laws of Malta and condemns her:

- a. In relation to the first charge, the Court after having seen Article 22(1) of Chapter 446, is of the opinion that in the circumstances of the case including the nature of the offence and the character of the offender is making an order discharging the offender subject to the condition that she commits no offence during a period of two years from the date of this case, which order was made after that in terms of Article 22(3) of Chapter 446 the Court explained to the offender in ordinary language that if she commits another offence during the period of conditional discharge she will be liable to be sentenced for the original offence;
- b. Furthermore in relation to the second, third and fourth charges, the Court is condemning the accused to a fine (ammenda) of fifty euro €50 for each charge and therefore for a total ammenda of one hundred and fifty (€ 150).

Furthermore the Court orders that the record of the proceedings together with a copy of this judgment be transmitted to the Attorney General within six working days in terms of Article 392A(2) of the Criminal Code.

Delivered today the 24th August 2014 at the Courts of Justice in Valletta, Malta.

**< Final Judgement >**

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