



MALTA

**COURT OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**MAGISTRATE DR.**  
**ANTONIO MICALLEF TRIGONA**

Sitting of the 22 nd April, 2015

Number 746/2012

The Police

(Inspector Priscilla Caruana)

vs

Svetlana Debono

The Court,

Having seen the charges brought against the accused (holder of identity card number 39473A) with having in these Islands by means of several acts committed at different times which constitute violation of the same provision of the law and which were committed in pursuance of the same design:

1. reviled, threatened or caused bodily harm to Ps1386 Anthony Agius and WpC 281 Anouska Zammit, persons lawfully charged with a public duty, while in the act of discharging their duty or because of having discharged such duty or with intent to intimidate or unduly influence them in the discharge of such duty;
2. on the same date, time, place and circumstances assaulted or resisted by violence or active force not amounting to public violence against Ps1386 Anthony Agius and

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WPc281 Anouska Zammit, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;

3. on the same date, time, place and circumstances caused injuries of a slight nature on Ps1386 Anthony Agius and WPc281 Anouska Zammit as certified by Dr Adam Falzon MD reg. number 3425 from Floriana Health Centre;
4. on the same date, time, place and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a public service or hindered or obstructed such person in the exercise of his duties or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law;
5. on the same date, time, place and circumstances in any public place or place open to the public was found drunk and incapable of taking care of herself;
6. on the same date, time, place and circumstances drove or attempted to drive or was in charge of vehicle registration number SVT122 on a road or other place if she was unfit to drive through drink or drugs and consuming so much alcohol that the proportion of her breath, blood or urine exceeds the prescribed limit;
7. on the same date and circumstances at Zejtun police station failed or refused to carry out the breathalyzer test.

Having seen the Attorney General's consent that the case be heard summarily;

Having heard the evidence;

Having seen the records of the proceedings and heard final submissions;

Considers:

It would result that on the day referred to in the charge sheet, accused had gone to her friend's house in Balzan, on a last farewell, as her friend was moving abroad. There she drank some whisky and on her way back home got confused and ended up in Birzebbugia instead of Qormi where she lived. On this point the Court finds no reason to doubt this version of events as stated by the accused.

The charges, having regards to their gravity, refer to:

- i. the assault or resistance by violence against police officers;
- ii. the vilification and threats addressed to the same police officers;
- iii. the causing of slight injuries on said police officers;
- iv. the disobeying of lawful orders given her by same police officers;
- v. being found in a drunken state in a public place;
- vi. for driving or attempting to drive under the influence of drink or drugs.

With reference to the aforementioned all of these charges result to be proven from the testimony of the police officers involved. It transpires from their evidence that they had been called to

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investigate a car that was stationary in the middle of Birzebbugia Road in Birzebbugia perpendicular to the pavement. There they found the accused that had a strong smell of alcohol. Because of this they took her to the Zejtun Police Station for the purposes of the breathalysier test which accused refused to take. On their way there accused attempted to bite the officers who were escorting her and provokingly lifted up her top.

The fact alone that accused, by her own admission, drove from Balzan to Birzebbugia in the state she was in and her refusal to take the breathalysier test is sufficient proof as to her guilt of the last mentioned two offences, more so on her failure to prove that the medication which had been prescribed to her brought about a physical or mental incapacity such that impeded her to undertake the test; as for the rest the testimony of the police officers, in the absence of the accused recalling what happened, is sufficient proof of her guilt.

Consequently, finds and declares her guilty of all the charges brought against her. Having seen Articles 95,96,221,338(ee),17(b)(d)(h) and 31 of Chapter 9; Articles 15 A ,15B and 15E(4) of Chapter 65 decides:- as for the offence numbered (2) in the charge sheet to acquit her by application of Article 22 of Chapter 446 for a period of one year from today and as for the rest to a cumulative fine of one thousand three hundred euro. Disqualifies her from holding a driving licence for a period of six months from today.

Further condemns her to pay the costs, if any, incurred in the nomination of the Court appointed expert Dr.Mario Scerri.

The Court has explained to the accused her responsibilities according to the judgment.

## < Final Judgement >

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