



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 19 th August, 2015

Number 674/2015

**Police
(Inspector Trevor Micallef)**

Vs

Stanislav Stoyanov

The Court,

After having seen the charges brought against Stanislav Stoyanov, son of Zhivkov Stefanov and Veselina neè Ivanova Byalkova, born in Bulgaria on the 20th September 1992 and residing at Haven Lodge, Flat 24, Luigi Apap Street, St. Julians, holder of Bulgarian document no. 643796974 and holder of Maltese Identity Card No. 73127(A), of having in these islands on the 12th August 2015, at about four in the morning (04:00a.m), in St. Julian's or in the vicinity:-

1. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Matteo Boldrin (Art. 216 Chapter 9 of the Laws of Malta);
2. On the same date, time, place and circumstances provoked a tumult or an affray for the purpose of committing a homicide or a bodily harm to the detriment of Matteo Boldrin (Art. 238 (b) Chapter 9 of the Laws of Malta);
3. On the same date, time, place and circumstances wilfully disturbed the public peace and order (Art. 338(dd) Chapter 9 of the Laws of Malta); and

4. On the same date, time, place and circumstances operated as a private guard agency or acted as a private guard or offered his services as such, without a license in accordance with the provisions of Chapter 389 of the Laws of Malta.

After having considered the request by the Prosecution that should the accused be found guilty of the charges brought against him, the Court provide for the safety of Matteo Boldrin in terms of Section 383 of Chapter 9 of the Laws of Malta;

After having examined all documents submitted in the records of these proceeding;

After having heard the accused plead guilty to the charges brought against him and this notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, also warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment;

Considers:

The accused is being charged of having in these islands on the 12th August 2015, at about four in the morning (04:00a.m), in St. Julian's or in the vicinity: (a) without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Matteo Boldrin (Art. 216 Chapter 9 of the Laws of Malta), (b) on the same date, time, place and circumstances provoked a tumult or an affray for the purpose of committing a homicide or a bodily harm to the detriment of Matteo Boldrin (Art. 238 (b) Chapter 9 of the Laws of Malta), (c) on the same date, time, place and circumstances wilfully disturbed the public peace and order (Art. 338(dd) Chapter 9 of the Laws of Malta) and (d) on the same date, time, place and circumstances operated as a private guard agency or acted as a private guard or offered his services as such, without a license in accordance with the provisions of Chapter 389 of the Laws of Malta.

The accused pleaded guilty to all the charges brought against him and in the light of said guilty plea the Court finds the accused guilty of all the charges brought against him.

In so far as concerns punishment the Court took into account the fact that the accused registered a guilty plea at an early stage of the proceedings, that he has a clean conviction sheet and that he co-operated with the Police

Therefore after having considered Articles 216, 238(b) and 338(dd) of Chapter 9 of the Laws of Malta, the Court reiterates that it is finding the accused guilty

of the first, second and third charges brought against him and condemns him to six (6) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, the said terms of six (6) months imprisonment is being suspended for a period of two (2) year from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

After having considered Section 25(b) of Chapter 389 of the Laws of Malta, the Court reiterates that it is finding the accused guilty of the fourth charge and condemns him to pay a fine (multa) of five hundred Euro (€500), which fine (multa), due to its amount, is to be paid by the accused in five monthly consecutive payments of one hundred Euro (€100) each.

The Prosecution requested that should the accused be found guilty of the charges brought against him, the Court provide for the safety of Matteo Boldrin in terms of Section 383 of Chapter 9 of the Laws of Malta. However, the Court is of the opinion that in the circumstances of this case it is more expedient to place the accused under a restraining order in terms of Section 382A of Chapter 9 of the Laws of Malta rather than to require the accused to enter into his own recognizance in a sum of money fixed by the Court in terms of Section 383 of Chapter 9 of the Laws of Malta. Therefore, in terms of Section 382A of Chapter 9 of the Laws of Malta and by virtue of a Decree delivered today, which Decree is to form an integral part of this judgement, the Court is placing the accused under a restraining order so as to provide for the safety of Matteo Boldrin, under those terms and conditions set out in the said Decree.

< Final Judgement >

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