

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

Magistrate Dr Josette Demicoli LL.D

**The Police
(Inspector Anthony Scerri)**

Vs
Pierre Erik Michael Hjelm

**Case No:
Today 8th December 2020**

The Court,

Having seen the charges brought against **Pierre Erik Michael Hjelm**, 33 years, son of Lenard and Tracy, born in Karup, Sweden, on the 2nd July 1987, residing No 48, Flt 3, Triq In-Nadur, Marsascula, and holder of Swedish Passport No 85712818 and Maltese I.D. Card No 012865A.

Charged with having in these islands within the year 2018; committed several acts, even if at different times, that constitute violations of the same provision of the law, and were committed in pursuance of the same design (Art 18. Cap 9);

1. conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta
(Art 48A. *et seq*, Cap 9)
2. by means of any unlawful practice, or by these of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made gain of more €5000, to the prejudice of the company 'SAFEGATE Ltd'.
(Art 308, 309, and 310 (1) (a) Cap. 9);
3. found to be in possession or has under his control any article for use in the course of or in connection with any fraud
(Art 310BA (1). Cap 9);
4. used a computer or any other device or equipment to access any data, software or supporting documentation held in that computer or on any other computer,

or used, copies or modifies any such data, software or supporting documentation

(Art. 337C. (1) (a) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

5. outputted any data, software or supporting documentation from the computer in which it was held, whether by having it displayed or in any other manner whatsoever

(Art. 337C. (1) (b) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

6. copied any data, software or supporting documentation to any storage medium other than that in which it is held or to a different location in the storage medium in which it is held

(Art. 337C. (1) (c) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

7. took possession of made use of any data, software or supporting documentation

(Art. 337C. (1) (f) (2) (a) (b) 3(a) (b) 337F *et seq* Cap 9);

8. disclosed a password or any other means of access, access code or other access information to any unauthorised person

(Art. 337C. (1) (h) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

9. used another person's access code, password, username, electronic mail address or other means of access or identification information in a computer or in any manner infringes any security measure to gain access without authorization to the whole or to any part of an information system

(Art. 337C. (1) (i) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

10. disclosed any data, software or supporting documentation unless this was required in the course of his duties or by any other law

(Art. 337C. (1) (j) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

11. produced, sold, procured for use, imports, distributed, possessed or otherwise made available a device, including a computer program, designed or adapted primarily for the purpose of committing any of the acts in paragraphs (a) to (j) or a computer password, access code, or similar data by which the whole or any part of an information system is capable of being accessed,

(Art 337C. (1) (l) (2) (a) (b) 3(a) (b) 337F. *et seq* Cap 9);

12. modified computer equipment or supplies that were used or intended to be used in a computer, computer system or computer network.

(Art 337D. (a). Cap 9);

13. by reason of his calling, profession or office, became depository of the depository of any secret confided in him, shall, except when compelled by law to give information to a public authority, unlawfully disclosed such secret
(Art 257 *et seq.* Cap 9);

The Court is humbly requested to apply the provisions of Article 24 of the Probation Act, and or the provisions of Article 28H, of Chapter 9, of the Laws of Malta, whereby, if the accused is found guilty, he shall pay for the damages whenever a person is sentenced after a conviction of a crime as contemplated in Article 532A, Chapter 9, of the Laws of Malta.

The Court is also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Thus whilst exhibiting a true copy of the accused Swedish Passport and the accused conduct sheet, it is requested that this case be investigated according to Law.

Having heard the accused admit to the charges brought against him, and confirm his guilty plea after being sufficient time to re-consider his position.

Having seen all the acts and documents of the case.

Considers

The accused has admitted to the charges brought against him and thus these have been sufficiently proven.

With regards to the punishment to be meted out the Court is taking into consideration the nature of the offence, the early guilty plea, the clean criminal record and the fact that the accused has declared that he wants to re-pay the amount which was defrauded. Also, the Court is taking into consideration the submissions put forward by the Prosecuting Officer. Hence a suspended sentence together with an order to repay the amount of €17,700 will be imposed.

Decide

For the above-mentioned reasons this Court after having seen after having seen articles 18, 48A, 308, 309, 310(1)(a), 310BA(1), 337C(1)(a)(b)(c)(f)(h)(i)(j)(l), 337C(2)(a)(b), 337C(3)(a)(b), 337D, 337F u 257 of Chapter 9 of the Laws of Malta, upon admission finds the accused guilty of the charges brought against him and condemns him to a period of two

years imprisonment which period by application of article 28A of Chapter 9 of the Laws of Malta is being suspended for a period of three years.

In terms of article 532A of Chapter 9 of the Laws of Malta orders the accused to repay the amount of €17,700 to SafeGate Ltd. The accused is to pay the sum of €1,000 per month to this company until the whole amount is paid back. The first payment shall be paid at the end of December 2020.

The Court has explained to the accused the consequences if he commits another crime during the operative period of this judgment.

The Court orders that the acts of this case and this judgment be sent to the Attorney General in terms of the law.

Dr Josette Demicoli
Magistrate