



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

MAGISTRATE NATASHA GALEA SCIBERRAS B.A., LL.D.

Inquiry Number: 441/2021

The Republic of Malta

vs

Omissis

**Collins Eguavoen
(Maltese Identity Card number 9000576(A))**

Omissis 1

Today, 29th September 2021

The Court,

Having seen the charges brought against the accused:

Omissis

Collins Eguavoen, of Nigerian nationality, born in Nigeria on the 1st of January 1992, residing at Splendour Court, Block B, Flat 2, Triq il-Katakombi, Marsaskala, and holder of Maltese Identity Card number 9000576(A);

Omissis 1

Charged with having in these Islands, during the months of January, February and March of the year two thousand and nineteen (2019):

By several acts done by them, even at different times, and in breach of the same provisions of the Law, and made by a single resolution:

1. Committed acts of money laundering by having:

- i. converted or transferred property knowing or suspecting that such property is derived directly or indirectly from, or the proceeds of, criminal activity or from an act or acts of participation in criminal activity, for the purpose of or purposes of concealing or disguising the origin of the property or of assisting any person or persons involved or concerned in criminal activity;
- ii. concealed or disguised the true nature, source, location, disposition, movement, rights with respect of, in or over, or ownership of property, knowing or suspecting that such property was derived directly or indirectly from criminal activity or from an act or acts of participation in criminal activity;
- iii. acquired, possessed or used property knowing or suspecting that the same was derived or originated directly or indirectly from criminal activity or from an act or acts of participation in criminal activity;
- iv. retained without reasonable excuse of property knowing or suspecting that the same was derived or originated directly or indirectly from criminal activity or from an act or acts of participation in criminal activity;
- v. attempted any of the matters or activities defined in the above foregoing sub-paragraphs (i), (ii), (iii) and (iv) within the meaning of article 41 of the Criminal Code;
- vi. acted as an accomplice within the meaning of article 42 of the Criminal Code in respect of any of the matters or activities defined in the above foregoing sub-paragraphs (i), (ii), (iii), (iv) and (v);

2. And also in the same date, time, place and circumstances, in Malta knowingly received or purchased any property which was stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same.

Collins Eguavoen is also charged with breaching his bail conditions which were imposed on him by a decree dated 11th August 2017 and revised by a decree dated the 28th May 2018, issued by Magistrate Dr Natasha Galea Sciberras in the case 'The Police vs Eguavoen Collins';

This Court has been requested to order, in case of guilt and in addition to inflicting the penalties laid down in the Law, the confiscation of all the exhibited goods, of

the corpus delicti and the instruments which served or were intended to be used to commit the crime, and of all that has been obtained by the crime, as well as to order the confiscation in favour of the Government of the proceeds offence or of such property the value of which corresponds to the value of such proceeds as well as of all the property of the accused in terms of Chapter 373 as well as articles 23 and 23B of the Criminal Code;

This Court has also been requested to seize from third parties in general all moneys and movable or immovable property which are due to or pertain to the accused or are their property, as well as prohibiting them from transferring or otherwise disposing of any movable or immovable property in terms of article 5 of Chapter 373 even as applicable under article 23A of Chapter 9;

This Court has also been requested to order, in case of guilt, the accused to pay costs related to the appointment of experts in the proceedings as contemplated in article 533 of Chapter 9 of the Laws of Malta.

Having seen the records of the case, including the Order of the Attorney General in virtue of sub-article (2A)(a) of Article 3 of the Money Laundering Act (Chapter 373 of the Laws of Malta) dated 18th April 2021, for the accused Collins Eguavoen to be brought before the Criminal Court to answer for the accusations proffered against him for the breach of the provisions of the same Act¹;

Having seen that during his examination in terms of law, upon his arraignment, the said accused Collins Eguavoen pleaded not guilty to the charges brought against him²;

Having seen the decree dated 12th May 2021 in virtue of which the Court decided that there were sufficient grounds to commit the accused Collins Eguavoen for trial before the Criminal Court and in terms of Article 401(3) of the Criminal Code, ordered that the record of the inquiry, together with the exhibits in the case were to be transmitted to the Attorney General within the time stipulated by law³;

Having seen the note filed by the Attorney General on 15th June 2021 requesting the separation of the trial of the accused Collins Eguavoen from that of the co-accused *Omissis* and *Omissis 1*⁴, which request was acceded to by a decree dated 30th June 2021⁵;

Having seen the note of the Attorney General dated 3rd August 2021 in virtue of which in terms of Article 3 of the Prevention of Money Laundering Act, Chapter

¹ A fol. 29 of the records of the case.

² A fol. 32 of the records of the case.

³ A fol. 510 *et seq* of the records of the case.

⁴ A fol. 560 of the records of the case.

⁵ A fol. 628 of the records of the case.

373 of the Laws of Malta, the said Attorney General ordered that accused Collins Eguavoen be tried before the Court of Magistrates (Malta) as a Court of Criminal Judicature regarding the charges brought against him for the breach of the provisions of the said Act and furthermore, in terms of Article 370(3)(a) of Chapter 9 of the Laws of Malta, decided to send the accused for trial for the crimes prescribed in terms of the following articles by the said Court:

- a) Article 334 of Chapter 9 of the Laws of Malta;
- b) Article 15A, 17, 23, 23A, 23B, 31 and 533 of Chapter 9 of the Laws of Malta⁶;

Having heard the accused declare that he had no objection to be tried summarily by this Court as a Court of Criminal Judicature;

Having also heard the accused, in the course of the sitting held on 11th August 2021, plead guilty to the charges brought against him, which guilty plea he confirmed after the Court, in terms of Article 453(1) of the Criminal Code, explained to him the consequences of such plea and after having given him sufficient time to reconsider his plea and to retract it⁷;

Having seen all the records of the case, including the documents exhibited;

Having heard the submissions made by the Prosecution and the defence with regards to the punishment to be meted out.

Considered that:

As stated above, the accused entered a guilty plea in respect of all the charges brought against him. In view of such plea, the Court is finding accused guilty of the first and second charges brought against him, so however that, this notwithstanding, it cannot find him guilty of the third charge, namely that which refers to the breach of his bail conditions, imposed upon him by a decree dated 11st August 2017 and revised by a decree dated 28th May 2018, issued by this Court as presided, since the said crime was not indicated in the note of the Attorney General dated 3rd August 2021.

With regards to the punishment to be inflicted in respect of the first and second charges, the Court is taking into consideration the criminal record of the accused, and in particular that by a judgement of this Court, differently presided, of 11th August 2021, the accused was found guilty of charges which were identical to the ones brought against him in the present case.

⁶ A fol. 754 of the records of the case.

⁷ A fol. 756 of the records.

The Court is also taking into consideration the nature of the charges brought against the accused and the circumstances of the case, namely that he acted in concert with another or others to exploit the victim, including the amount of money illicitly obtained from the said victim. Furthermore, it is also taking into account the degree of accused's cooperation with the police during its investigations.

However, the Court cannot but further give considerable consideration to the fact that the accused has already reimbursed the said victim in full. For this reason, the Court does not deem an effective term of imprisonment to be an appropriate punishment in this case. To this end, the Court notes that the Prosecution is not insisting upon an effective term of imprisonment.

Conclusion

For these reasons, the Court, after having seen Articles 17(h), 18, 23, 23A, 31, 334(c) and 310(1)(a) of the Criminal Code and Article 3 of The Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta, finds accused **Collins Eguavoen** not guilty of the third charge (namely that which refers to the breach of bail conditions) brought against him and acquits him thereof, and upon his guilty plea, finds him guilty of the first and second charges and sentences him to a punishment of **two (2) years imprisonment**, which by application of Article 28A of the Criminal Code, is being **suspended for a period of four (4) years** from this day.

The Court explained to the person sentenced, in clear and simple terms, the legal consequences of this judgement, should he commit any other offence punishable by imprisonment within the operative period of the suspended sentence.

In terms of Article 23B(2) of the Criminal Code and Article 3(5) of The Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta, the Court sentences **Collins Eguavoen** to the payment of a **fine (*multa*)** equivalent of the amount of the proceeds of the offence, namely, **the sum of fourteen thousand, two hundred ninety two euro and ninety cents (€14,292.90)**.⁸

In terms of Article 3(5) of the Prevention of Money Laundering Act, Chapter 373 Laws of Malta and Article 22(3A)(d) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, rendered applicable to these proceedings by Article 3(7) of the Prevention of Money Laundering Act, Chapter 373 of the Laws of

⁸ This sum comprises the payments made by the victim to the accused, namely, two payments of five thousand euro (€5,000) each, one payment of three hundred and fifty euro (€350) and a payment of four thousand and five hundred US Dollars (USD 4,500), which in terms of the conversion rate on 15th January 2019, namely when the payment was made by Attilia Attard, is equivalent to three thousand, nine hundred and forty-two euro and ninety cents (€3942.90).

Malta, the Court orders the forfeiture in favour of the Government of all moneys or other movable property, and of the entire immovable property of the person so found guilty, even if the immovable property has, since the offender was charged, passed into the hands of third parties, and even if the said monies, movable property or immovable property are situated in any place outside Malta.

Since no experts have been appointed in the course of these proceedings in relation to the person here sentenced, no order is being made by the Court in terms of Section 533 of the Criminal Code.

Dr. Natasha Galea Sciberras
Magistrate