



The Court of Criminal Appeal

His Honour the Chief Justice Mark Chetcuti

The Hon. Judge Edwina Grima

The Hon. Judge Giovanni Grixti

Sitting of the 22nd of January 2025

Bill of Indictment No: 6/2022

7/2022

The Republic of Malta

Vs

Daniel Muka

Viktor Dragomanski

The Court,

1. Having seen the Bill of Indictment bearing numbers 6 and 7 of the year 2022 filed against Daniel Muka and Viktor Dragomanski, wherein they were charged with having:

With regards to accused Daniel Muka:

In the First Count - On the eighteenth (18) of August of the year twenty-twenty (2020), in Sliema, Malta, maliciously, with intent to kill or to put the lives of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI in manifest jeopardy caused the death, of the same Christian Pandolfino and Ivor Piotr Maciejowski.

In the Second Count - On the eighteenth (18) of August of the year twenty-twenty (2020), in Sliema, Malta, committed theft of jewellery and/or other items, which theft was accompanied with wilful homicide hence therefore aggravated by 'Violence', and also aggravated by 'Means', by 'Amount' that exceeds the amount of two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), by 'Place' and by 'Time' to the detriment of Christian PANDOLFINO, Ivor Piotr MACIEJOWSKI and/or other persons and/or entity or entities.

In the Third Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this Bill of Indictment, of having, without a lawful order from the competent authorities, and saving the cases where the law authorizes private individuals to apprehend offenders, arrested, detained or confined Christian PANDOLFINO and/or Ivor Piotr MACIEJOWSKI against their will, during which arrest, detention or confinement, Christian PANDOLFINO and/or Ivor Piotr MACIEJOWSKI was/were subjected to bodily harm, or threatened with death and/or with the object of extorting money or effects, or of compelling them to agree to any transfer of property belonging to such person/s.

In the Fourth Count - On the eighteenth (18th) of August of the year two thousand and twenty (2020) in Sliema, whilst committing crimes against the person and of theft, and on the twenty sixth (26th) of August of the year two thousand and twenty (2020), in Floriana, whilst he was being arrested for a crime, had on his person an arms proper and/or ammunition and/or any imitation thereof, and this without otherwise proving that he was carrying the firearm or arms proper for a lawful purpose.

In the Fifth Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this Bill of Indictment, of having, made use of an identification number ('JET 082') other than that allotted by the police or by an Authority in relation to a particular motor vehicle, and therefore on the eighteenth (18th) of August of the year two thousand and twenty (2020), at a time around quarter past ten (22:15) and half past ten (22:30) in the evening, in Sliema, and in the preceding days, made use of an identification number other than that allotted by the police or by an Authority in relation to a particular motor vehicle.

In the Sixth Count - in light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this bill of indictment, of having, kept in any premises or in his possession, under his control or carried outside any premises or appurtenances, any firearm or ammunition without a licence from the

Commissioner of Police, and therefore for having, on the twenty-sixth (26th) of August of the year two thousand and twenty (2020) and in the past days and/or weeks, in the Maltese islands, with several acts committed at different times and which constitute violations of the same provision of the law, and committed in pursuance of the same design kept in any premises or had in his possession, under his control or carried outside any premises or appurtenances a firearm and/or ammunition listed in Schedule II of Chapter 480 of the Laws of Malta, without a licence under the same Chapter 480 of the Laws of Malta.

In the Seventh Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this bill of indictment, accuses the mentioned Daniel MUKA, of knowingly receiving or purchasing a property which has been stolen, misapplied or obtained by means of any offence, specifically the vehicle of the make Volkswagen Tiguan, or has knowingly taken part, in any manner whatsoever, in the sale or disposal of the same aforementioned vehicle, and therefore for having, on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the past days and/or weeks, in the Maltese islands, with several acts committed at different times and which constitute violations of the same provision of the law, and committed in pursuance of the same design, knowingly received or purchased property, that is a vehicle of make Volkswagen Tiguan, which had been stolen, 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 vehicle of make Volkswagen Tiguan.

In the Eight Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this bill of indictment, accuses the mentioned Daniel MUKA, guilty of having on the third (3rd) of August of the year two thousand and twenty (2020) in St. Julian's, committed theft of number plates with registration number 'JET 082', which theft is aggravated by the 'Nature of the Thing Stolen', and this to the detriment of Aaron Agius.

In the Ninth Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this bill of indictment, accuses the mentioned Daniel MUKA of committing theft of number plates with registration number 'CCB 042', which theft is aggravated by the 'nature of the thing stolen', and this to the detriment of Brian Cutajar and/or Regina Auto Dealer and/or any other persons or entities that may qualify, and therefore for having in the past two (2) months prior the eighteenth (18th) August of the year two thousand and twenty (2020), committed theft of number plates with registration number 'CCB 042' which theft is aggravated by the 'Nature of the Thing Stolen', to the detriment of Brian Cutajar, Regina Auto Dealer and/or other persons and/or entity or entities that may qualify.

In the Tenth Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this bill of indictment, of having, on the twenty fifth (25th) of August of the year two thousand and twenty (2020) and in the preceding days, failed to observe conditions imposed by the Criminal Court

in its decree by Hon. Madame Justice Dr. Consuelo Scerri Herrera LL.D. dated on the twenty fourth (24th) of July of the year two thousand and nineteen (2019) granting bail and also for having committed a crime not of an involuntary nature whilst on bail.

With regards to accused Viktor Dragomanski

In the First Count - On the eighteenth (18) of August of the year twenty-twenty (2020), in Sliema, Malta, maliciously, with intent to kill or to put the lives of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI in manifest jeopardy, by knowingly aiding or abetting the perpetrator/s of the crime in the acts by means of which the crime is prepared or completed, by strengthening the determination of the other perpetrators to commit the relative crimes and/or by promising to give assistance, caused the death of the same Christian Pandolfino and Ivor Piotr Maciejowski and/or put the lives of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI in manifest jeopardy.

In the Second Count - On the eighteenth (18) of August of the year twenty-twenty (2020), in Sliema, Malta, committed theft of jewellery and/or other items, which theft was accompanied with wilful homicide hence therefore aggravated by 'Violence', and also aggravated by 'Means', by 'Amount' that exceeds the amount of two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), by 'Place' and by 'Time' to the detriment of Christian PANDOLFINO, Ivor Piotr MACIEJOWSKI and/or other persons and/or entity or entities.

In the Third Count - In light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this Bill of Indictment, of having made use of an identification number ('JET 082' and 'CCB 042') other than that allotted by the police or by an Authority in relation to a particular motor vehicle, and therefore on the eighteenth (18th) of August of the year two thousand and twenty (2020) in Sliema, and in the preceding days, made use of an identification number other than that allotted by the police or by an Authority in relation to a particular motor vehicle.

In the Fourth Count - On the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the past days and/or weeks, in the Maltese islands, with several acts committed at different times and which constitute violations of the same provision of the law, and committed in pursuance of the same design, knowingly received or purchased property, that is a vehicle of the make Volkswagen Tiguan, which had been stolen, 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 vehicle of make Volkswagen Tiguan.

2. Having seen the additional preliminary pleas filed by accused Viktor Dragomanski on the 26th of April 2024, following the Criminal Court's authorisation for the filing of the same and this in terms of a decree of the 22nd of April 2024, namely:

i. Primarily that the Bill of Indictment notified to accused is not in conformity with article 590(2) of the Criminal Code since the documents notified to the accused formally during the sitting of the 1st of March 2023 do not contain any list of witnesses or documents as required by law.

ii. Secondly, that the Bill of Indictment is not issued in terms of article 591 of the Criminal Code because the accused cannot be considered to be a co-accused since the other accused has a separate Bill of Indictment which is numbered 6/2022.

3. Having seen the judgment of the Criminal Court of the 3rd of June 2024, wherein the Court abstained from taking further cognizance of the note of preliminary pleas filed by accused Viktor Dragomanski in the names 'The Republic of Malta vs Viktor Dragomanski', the Court rejected the additional preliminary pleas raised by accused Viktor Dragomanski in the joined Bill of Indictment No. 6/2022 and 7/2022 in the names 'The Republic of Malta vs Daniel Muka and Viktor Dragomanski'.

4. Having seen the appeal application filed by the accused Viktor Dragomanski on the 10th of June 2024 wherein this Court was requested to revoke and cancel the judgment of the Criminal Court of the 3rd of June 2024 wherein it dismissed accused's pleas and instead uphold the said pleas.

5. Having seen the reply of the Attorney General filed on the 13th of June 2024 wherein she requested that the Court confirm the decision of the Criminal Court and reject the grievances in their entirety.

6. Having heard oral submissions by the parties.

7. Having seen all the acts of the case.

Considers,

8. That before embarking on an examination of appellant's grievances, the Court deems it proper to lay down an exposition of the *iter* which the case has followed from the moment when the Attorney General issued a Bill of Indictment against each of the

three persons who were accused with the murder of Christian Pandolfino and Ivor Piotr Maciejowski which occurred in Sliema on the 18th of August 2020. From an examination of the acts pending before the Criminal Court, the following *iter* emerges:

- i. The Bill of Indictment is filed by the Attorney General on the 25th of April 2022 against appellant Viktor Dragomanski, bearing number 7/2022, together with a List of Witnesses and a List of Documents. A Bill of Indictment bearing number 6/2022 is also issued against Daniel Muka on the 22nd of April 2022, with another one filed by the Attorney General against Jesper Gejl Kristiansen bearing number 19/2022 on the 14th of July 2022.
- ii. Accused Viktor Dragomanski, after being notified with the Bill of indictment together with the said List of Witnesses and List of Documents, files a note of preliminary pleas on the 17th of May 2022.
- iii. A judgment is delivered by the Criminal Court on the said preliminary pleas and this on the 6th of September 2022, from which judgment the Attorney General enters an appeal before this Court.
- iv. A judgment is delivered by this Court on the 25th of January 2023.
- v. The trial by jury is set for hearing by the Criminal Court for the 15th of January 2024.
- vi. By means of an application filed on the 13th of October 2023, the Attorney General requested a joinder of the trial for the three cases being Bills of Indictment bearing numbers 6/2022, 7/2022 and 19/2022.
- vii. By means of a reply entered on the 18th of October 2023, appellant Viktor Dragomanski objected to this request for the reasons explained in the said reply.
- viii. By means of a decree delivered on the 18th of January 2024, the Criminal Court acceded to the request filed by the Attorney General and ordered that the Bills of Indictment bearing numbers 6/2022, 7/2022 and 19/2022 be joined together in terms of Article 595 of the Criminal Code.
- ix. A joined Bill of Indictment against the three co-accused Daniel Muka, Viktor Dragomanski and Jesper Gejl Kristiansen is filed by the Attorney General on the 9th of February 2024. The Attorney General attributes to this Bill of Indictment the same three numbers belonging to the separate Bills of Indictment previously filed against the three accused persons, wherein the contents of the same remain identical to the previous three filed. The List of Witnesses and List of Documents is not filed together with the said Bill of Indictment.
- x. From this moment on, the case proceeds against all three accused simultaneously on the 12th of February 2024 with the said three accused persons

being notified with the Bill of Indictment as amended by the Attorney General in accordance with the Court decree authorising the joinder.

xi. However, since a joint application was filed with regards to accused Jesper Gejl Kristiansen wherein a plea bargaining was reached between the Attorney General and the said accused, the Prosecution once again asks for a separation of proceedings with regard to accused Kristiansen, which request is acceded to by the Court. The case proceeds against Kristiansen and is decided by the Criminal Court upon his admission of guilt.

x. The Attorney General thus files another amended Bill of Indictment to reflect this new development in the proceedings and this on the 15th of February 2024 against Daniel Muka and appellant Viktor Dragomanski. Again, no List of Witnesses and List of Documents is filed. The Bill of Indictment bears numbers 6/2022 and 7/2022.

xi. On the 19th of February 2024, appellant Dragomanski requests the Criminal Court to file additional pleas, which request is made once again regarding the Bill of Indictment as amended issued solely against him and Muka. This request is acceded to, and the pleas are filed by appellant, with the Criminal Court delivering its judgment on the same, which judgment is now the subject of this appeal.

9. In his first preliminary plea, which is reflected in the first grievance raised before this Court, appellant Viktor Dragomanski laments that the Bill of Indictment, as amended, has not been issued in conformity with article 591 of the Criminal Code, and this since appellant cannot be considered as a co-accused in the same case once the numbering of the Bill of Indictment against him is different from that issued against the other accused Daniel Muka, thus signifying that no effective joinder has taken place.

10. The Criminal Court decided this plea in the following manner:

The Court finds the first plea raised by the accused to be nebulous. Whether two co-accused are tried together in one trial or in separate trials does not impinge on the fact that they remain co-accused. Accused persons are deemed co-accused not because of the manner in which they are tried, but because allegedly, according to the Prosecution, they are principals or accomplices in the same offence or offences. Thus, whether Daniel Muka and the accused are tried separately with separate Bills of Indictment, or together in one trial with a joined Bill of Indictment, they nonetheless

remain co-accused and thus, subject to the applicable rules regarding co-accused persons.

The Criminal Court then passes on to make reference to the oft-quoted judgment with regard to the position of a co-accused during the trial, in the case **Il-Pulizija vs Omissis, Saada Sammut**, of the 16th of November 2006, which judgment makes reference to a decree delivered by the Criminal Court on the 22nd of December 1998 in the names **Ir-Repubblika ta' Malta vs. Ian Farrugia**.

11. Now, although the position at law with regards to the figure of a co-accused is that correctly pointed out by the Criminal Court in its judgment, appellant however feels aggrieved with this decision on the premise that the Criminal Court ignored the fact that there was not an effective joinder of the bills of indictment into one by the Attorney General, the law not contemplating a situation where two separate accused persons with two separate Bills of Indictment are tried in one and the same trial. From this grievance it is evident that either appellant did not express himself clearly in the wording used when filing his plea or else he is addressing a different issue which does not tally with the plea raised. In fact, in his grievance, he does not address the decision of the Criminal Court with regard to the position at law of the co-accused, since the exposition made by that Court is completely in line with the law and jurisprudence on the matter. Whether the accused is tried in the same proceedings or in separate proceedings with regard to the same offence committed either as a principal or as an accomplice, the same rules and safeguards will apply meaning that he may not be brought to testify against or in favour of the other person accused of the same offence, and this by applying *a contrario senso* the rule laid out in article 636(a) of the Criminal Code.

12. Having thus premised, appellant's grievance that the Bill of Indictment as amended by the Attorney General on the 15th of February 2024 does not effectively join the two Indictments issued against him and against his co-accused Daniel Muka, is repeated once again in his second grievance which this Court will address together. He laments that the Attorney General has not effectively joined the two Bills of Indictment since the Indictment in the names "The Republic of Malta vs Daniel Muka

and Viktor Dragomaski” still bears two numbers 6/2022 and 7/2022, with even the numbering of the Counts remaining the same, thus still being treated as separate by the Attorney General.

Considers,

13. It is in the Attorney General’s discretion to decide the manner in which the Bill of Indictment is to be issued and this not only when a person is accused of multiple offences, wherein a sole bill of indictment may be issued with each offence being adduced in separate Counts, but also when there is more than one person, whether as a principal or accomplice, accused of the same offence or multiple offences which are connected to each other, in which case one Bill of Indictment is issued having different Counts, **each Count to be treated as a separate and independent indictment unto itself**, as laid out in article 589 of the Criminal Code. From a reading of this disposition of the law, it is evident that here the legislator is contemplating an indictment that contains a charge of only one offence. In fact, sub-section (c) of the said Article 589 speaks about *"the facts constituting the offence"*, and paragraph (d) uses the words *"the accused shall be charged with the offence as specified or described by the law"*. However, it is an inveterate practice before the Criminal Court that if the Attorney General wishes to charge a person with more than one offence, rather than issuing a number of Indictments, the Bill of Indictment is to be divided into as many Counts as there are offences with which the accused is being charged, and this irrespective of whether the charges are connected or not with each other within the meaning of Article 592. The same may be said when there is more than one person accused of the same offence or divers offences connected to one another these may be joined together in the same Indictment and tried together in the same trial, with the rules laid out in article 467 of the Criminal Code, which regulates the manner in which the jury is to arrive at its verdict, to be adhered to. Each Count, thus, is independent of every other Count, which must be decided separately, and thus is to be treated as a separate indictment unto itself, irrespective of whether there is one or more Indictments.

14. It was thus within the Attorney General’s power to request the Criminal Court to join the bills of indictment issued against appellant and his co-accused so that they be

tried in jointly in the same trial, with each count to the Bill of Indictment however to be decided separately. Now, it is true that the Attorney General has failed to amend the Bill of Indictment accordingly to reflect the fact that both accused will be charged in the same trial and thus has failed to re-number the separate Counts so that the bill of indictment now contains two “First”, “Second”, “Third” and “Fourth” Counts against each accused. The Court, however, may, with the powers granted to it by Law in article 597 of the Criminal Code, order a correction to the Bill of Indictment to reflect this defect, which corrections will in no way have a bearing on the substance of the action or the defences raised by both accused. Such an amendment is deemed necessary by the Court so that a prospective jury may be able to decide each count separately in observance of the rules laid out in article 497 of the Criminal Code, and this to avoid any confusion. Thus, the grievance raised by appellant is completely unfounded since, once the Criminal Court has upheld the Attorney General’s request that the case against appellant and that against Daniel Muka be tried in the same trial, both appellant and Muka being notified with the said joinder, the Court cannot envisage any defect in the proceedings simply because the wording or numbering of the Bill of Indictment has not been changed by the Attorney General after the said joinder was authorised, and this in view of the fact that each and every Count is at law to be treated separately and independently the one from the other, and this when the indictment contains more than one Count. Consequently, this first grievance is being rejected.

15. In his second preliminary plea appellant states that the Bill of Indictment was not filed in conformity with article 590(2) of the Criminal Code, and is, thus, contrary to the Law, the Attorney General having failed to present a List of Witnesses and a List of Documents together with the amended Bill of Indictment.

16. The Criminal Court decided this plea in the following manner:

“.....following the Attorney General’s request of 13th October 2023, to which the Court acceded, the separate indictments, originally of the three co-accused, were joined with a view to their being taken together, in terms of Article 595 of the Criminal Code. This means that the Attorney General did not file a fresh Bill of Indictment, but merely joined those which were

originally three valid Bills of Indictment, previously issued separately against the co-accused Muka, Dragomanski and Kristiansen respectively, into one Bill of Indictment.

In actual fact, the content of the Bill of Indictment originally issued separately against the accused Viktor Dragomanski, in its narrative and accusatory part, has been totally reproduced in the joined Bill of Indictment. Apart from some text which has now been typed in bold and a correction in that which was previously the name of Daniel Muka and which now reads Viktor Dragomanski, in the first and third counts of the Bill of Indictment (relating to Viktor Dragomanski)¹, the joined Bill of Indictment is not a fresh Bill of Indictment. Indeed, the Court notes that even typos have been reproduced.

This joinder, therefore, did not in any way render null or inexistent the previous Bills of Indictment issued separately, but it has merely joined together three Bills of Indictment against what were three co-accused and now, following the judgement delivered against Jesper Gejl Kristiansen, against two co-accused, that will be tried together before this Court by the same panel of jurors. The Bill of Indictment filed by the Attorney General on 15th February 2024 did not substitute the original Bills of Indictment filed against Daniel Muka and the accused Dragomanski, but has merely joined the two together. Indeed, the said Bill of Indictment as filed by the Attorney General has retained both reference numbers 6/2022 and 7/2022, originally allocated as to the first, to the Bill of Indictment filed against Daniel Muka and as to the second, to the Bill of Indictment filed against Viktor Dragomanski. It follows, therefore, that the list of witnesses and documents filed by the Attorney General with the Bills of Indictment filed separately against the co-accused, remain valid and applicable for the purpose of the present proceedings, as the acts of the proceedings before the Court of Magistrates (Malta) as a Court of Criminal Inquiry in both cases.

The joinder allows separate indictments to be taken together, thereby allowing for more practicality, less expense and a uniform and consistent judgement in respect of both accused, who will be judged by the same panel of jurors, with the latter being in a position to evaluate all the evidence brought forward in one and the same trial. At the end of the day, each co-accused will be judged separately in terms of the counts, which each of them faces and to which they will both answer to during the trial by jury. The joining of the Bills of Indictment allows for more practicality, in order that the jurors may be given one document or one Bill of Indictment, rather than two, or one for each of the co-accused. Finally, all counts in the separate Bills of Indictment have been reproduced one by one in the joined Bill of Indictment sequentially.

¹ This in line with the judgement of this Court as differently presided of 6th September 2022, which ordered a correction to this effect in both counts.

Indeed the Court notes that the accused also recognizes that the Bill of Indictment filed on 15th February 2024 is not a fresh Bill of Indictment, since he did not proceed in terms of Article 438(2)(i) of the Criminal Code, but proceeded instead to request the Court's authorization to raise additional preliminary pleas "*for a reason which arises after the time within which the note referred to in article 438(2) is to be filed in the registry of the court*", in terms of the proviso to Article 449(1) of the Criminal Code, thus acknowledging that this is indeed the same Bill of Indictment that had been issued separately against him. "

17. This procedure of filing a List of Witnesses and a List of Documents together with the Bill of Indictment was introduced through an amendment to section 590 of the Criminal Code by means of Act LIII of 1981, since up until this change in the law these two lists used to be filed by the Attorney General at a later stage in the proceedings and this within two days from the notification made by the Criminal Court to the Attorney General of the date set for the trial. This amendment to the law makes sense since otherwise the defence would not have ample time to prepare for the trial, being presented at the last minute with the witnesses and evidence which the Attorney General is to bring forth during the trial by jury. Today with the accused's rights of disclosure to all evidence to be brought against him by the Prosecution, it is thus necessary that the Attorney General indicate all the evidence that will be brought during the trial, including all the documents to be exhibited and testimonies to be heard.

18. In the present case, appellant cannot lament that he is in the dark as to what constitutes the box of evidence which is to be brought against him during the trial, since the Attorney General has filed, from the initial stages of the proceedings, the List of Witnesses and the List of Documents which the Prosecution intends to produce to prove its case. What the appellant contests is the fact that the Attorney General has failed to file the said Lists afresh when presenting an amended version of the Indictment and thus, in his opinion, this was not issued in conformity with article 590(2) of the Criminal Code. However, he does not raise a plea of nullity of the Bill of Indictment, such that this Court is perplexed as to the motive behind the raising of such a plea.

19. Now, although it is true that the Attorney General for completeness's and practicality's sake should have filed together with the amended Bill of Indictment a conjoined List of Witnesses and a List of Documents, however, this does not bring about the nullity of the Bill of Indictment as amended. As already pointed out the Bill of Indictment against appellant Viktor Dragomanski was filed according to law. With the joinder of the Indictment issued against him with that of co-accused Daniel Muka, the charges have remained the same, thus meaning that the same evidence will be adduced by the Prosecution at the trial. Moreover, the defect which appellant envisages is not one of those defects mentioned by the law which lead to the nullity of the bill of indictment. In fact, article 595 of the Criminal Code simply states that the two indictments may, upon a request by the Attorney General, be joined with a view to their being taken together, meaning, thus, that the same List of Witnesses and List of Documents are to apply to the said indictments as joined together into one. Thus, this Court concurs with the decision reached by the Criminal Court that the same List of Witnesses and List of Documents remain valid and applicable to the joinder of the Bill of Indictments into one. Therefore, for all the above mentioned reasons this second grievance is being rejected, however the Court with the powers vested in it by means of article 597 of the Criminal Code, for clarity's sake, orders that the numbering of the First, Second, Third and Fourth Count against appellant Viktor Dragomanski be re-numbered as the Eleventh, Twelfth, Thirteenth and Fourteenth Counts, and this so that the final verdict to be delivered by the jury may be clear.

Consequently, for the above-mentioned reasons all the grievances brought forward by appellant are hereby being rejected, and the judgment of the Criminal Court confirmed. However, after having seen article 597 of the Criminal Code orders that the Bill of Indictment be amended in the sense that the numbering of the First, Second, Third and Fourth Count against appellant Viktor Dragomanski be re-numbered as the Eleventh, Twelfth, Thirteenth and Fourteenth Counts to the Bill of Indictment.

The Chief Justice Mark Chetcuti

Judge Edwina Grima

Judge Giovanni Grixti