



## **CRIMINAL COURT**

**HON. MADAM JUSTICE NATASHA GALEA SCIBERRAS B.A., LL.D**

**Bill of Indictment No: 6/2022; 7/2022**

**THE REPUBLIC OF MALTA**

**vs**

**Daniel MUKA**

**and**

**Viktor DRAGOMANSKI**

**Today, 8th July 2025**

The Court,

**Having seen** the Bill of Indictment against **Daniel MUKA**, aged twenty-seven (27) years, son of Xhemel and Vjollca, born in Tirana in Albania on twenty-fifth (25th) January of the year nineteen ninety five (1995), currently residing at Corradino Correctional Facility, holder of Albanian Passport number BD8707291; and

**Viktor DRAGROMANSKI**, aged thirty-eight (38) years, son of Mile and Gordana, born in Skopje in North Macedonia on twelfth (12th) May of the year nineteen eighty three (1983), temporarily residing at Corradino Correctional Facility, Paola, holder of Residency Permit number 187641A;

in terms of which the Attorney General, in the name of the Republic of Malta, declared, with regards to **Daniel MUKA**:

### **THE FIRST (I) COUNT**

#### ***Wilful homicide of Christian Pandolfino and Ivor Piotr Maciejowski***

#### **The Facts:**

Whereas on the eighteenth (18th) of August of the year two thousand and twenty (2020) at about half past ten in the evening (22:30 hrs), the Homicide Squad within the Malta Police Headquarters was informed through the Police Control Room that a shooting incident had occurred at the address '22, Locker Street, Sliema'. At that point in time, the information was that three (3) male persons had allegedly been seen entering the afore-mentioned residence and, subsequently to that fact, gunshots were heard inside the concerned residence. Immediately after these gunshots were heard, the three (3) male persons were allegedly seen leaving the area in a white vehicle, with a license plate 'JET 082';

Whereas officers from various branches of the Malta Police Force reported immediately at the address, whereby from a preliminary stage of the investigation it resulted that the tenants of the residence, Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI, shot dead inside same residence. Christian PANDOLFINO was found lying on the floor, at the entrance of said residence, whilst Ivor Piotr MACIEJOWSKI was found lying dead near the stairs between the ground floor and the first-floor level of the residence. Further investigations revealed that the main door of the residence had visible marks of a recent break-in, suggesting that the perpetrators had gained access to the residence by forcing the door open. Preliminary evidence indicated that once inside, the perpetrators must have somehow immediately encountered Christian PANDOLFINO near the entrance, who was then shot five (5) times. It appeared that the perpetrators then proceeded upstairs, shot MACIEJOWSKI dead with a single (1) shot close to the forehead;

Whereas a criminal inquiry was immediately opened and various experts were appointed for the preservation of evidence. Having received permission from the inquiring magistrate, the investigators spoke to the court appointed expert concerning CCTV footage whereby the investigators were informed that the footage showed Christian PANDOLFINO returning home on his quadbike. The suspect white vehicle was then observed on CCTV footage scouting the area and stopping at upper Locker Street. A tall male person, followed by a shorter and stocky male wearing distinguishable clothing, proceeded from the white suspect vehicle and entered the targeted residence. After a while the stocky person with the distinguishable clothing was observed coming out and walking towards the suspect

vehicle and proceeding to the targeted residence again together with the third (3rd) perpetrator. Then all three (3) suspects were recorded leaving together, one of them holding a small bag and fleeing in the said white suspect vehicle towards Tigne Street;

Whereas on the twentieth (20th) day of August of the same year two thousand and twenty (2020) a white Volkswagen Tiguan in the parking area situated in Pieta` (in the vicinity of St. Luke's Hospital), was located by a CID patrol. At the time of this discovery, this Volkswagen Tiguan (that looked closely identical to the suspect white vehicle) had license plates 'CCB 042'. According to the available information at that time, these particular license plates had also been reported as stolen. A forensic team was called on site where the Volkswagen Tiguan was discovered and a search was executed on said vehicle. From this search, a brown handbag was discovered, containing, amongst others, several items connected with Paula PANDOLFINO, who happens to be the sister of the afore-mentioned victim Christian PANDOLFINO, as well as other items similar to items which were noticed in the residence where the homicidal incident occurred;

Whereas most significantly, the license plates 'JET 082' which were used during the commission of the homicidal incident were found folded in said vehicle, further confirming that this was the same Volkswagen Tiguan that was used in the homicide. Furthermore, several items were found inside the back storage of the vehicle. These items consisted of wigs, clothes, masks, gloves and realistic firearm imitations. Consequently, all these above-mentioned items were preserved and the vehicle was taken into custody for further forensic examination;

Whereas from examination of further CCTV footage obtained from the parking area where the above-mentioned Volkswagen Tiguan was found by the Police, three (3) persons fitting the description as those seen on the CCTV in the area where the homicidal robbery occurred were observed leaving said parking area. These three (3) persons were captured on CCTV walking through Triq l-Orsolini, down Gwardamangia Hill. A trail of CCTV footage from different cameras was examined, where the same three (3) persons were practically followed via CCTV footage up to the bus stop in Marina Street, Msida. Eventually, these three (3) persons were observed via CCTV footage stopping at the bus stop in said Marina Street. At that stage, it was closely observed that one (1) of these three (3) persons had an elbow support sleeve;

Whereas further enquiries lead to police intelligence that a certain **Daniel MUKA**, who fitted closely the physical description of the tall person that was observed in the CCTV footage, was observed two (2) days before the incident wearing an elbow support sleeve and driving a Peugeot 106 identical to the one ascertained in data provided to the investigators by other governmental authorities. This gave the investigators a strong hypothesis that **Daniel MUKA** must be further closely investigated. Further enquiries lead

to the pinpointing of the afore-mentioned **Daniel MUKA's** cell phone in the area where the homicide occurred, on that same night when such incident occurred;

Whereas on the basis of all the above and further facts established in the course of the investigation, the investigators obtained a warrant for the arrest of **Daniel MUKA**, who was eventually cornered and arrested in a residence in Floriana on the twenty-fifth (25th) of August of the same year two thousand and twenty (2020). This happened to be of a different address than that he was declaring to the concerned authorities. During the raid, arresting officers also managed to seize a semi-automatic pistol of the make Glock loaded with eleven (11) live bullets. Whilst a search was conducted in that residence and on **Daniel MUKA's** person, jewellery belonging to one of the victims of the homicidal robbery was found, and it was notably visible that the sole of **Daniel MUKA's** shoes had previously yet recently stepped on blood;

Whereas on the twenty-sixth (26th) of August of the same year two thousand and twenty (2020), **Daniel MUKA** released three statements in successive order. Faced with the corpus of evidence indicated (and where possible shown) to **Daniel MUKA** during the interrogation, **Daniel MUKA** at first resisted all claims of his involvement brought forward by the interrogating officers Supt. James Grech and Insp. Colin Sheldon. **Daniel MUKA** was duly legally assisted by a lawyer of his choice at all times during the investigation from the point when he was arrested. After the first interrogation, **Daniel MUKA** opted to cooperate with the investigators;

Whereas firstly **Daniel MUKA** admitted that he was present at '22, Locker Street, Sliema' during the homicide, stating that he rang the bell, one of the victims opened and he ended up in a scuffle with the said victim. During the scuffle, his co-perpetrator (the second man wearing distinguishable clothing), proceeded inside and shot the first (1st) victim who struggled with the two (2) perpetrators near the targeted residence's entrance. He claimed that this same co-perpetrator proceeded up the stairs and shot the second (2nd) victim as well. He also admitted having lifted jewellery from the bodies of the victims and also confirmed that the necklace he was wearing during his arrest actually belonged to one of the victims. When asked about the firearm seized during his arrest, precisely the loaded Glock found in his possession during his arrest, **Daniel MUKA** confirmed it was the weapon used during the incident;

Whereas during the interrogation **Daniel MUKA** identified himself on a still photo shown to him extracted from the CCTV footage under investigation, and confirmed with the investigators that he was the tall figure in the CCTV footage that entered the targeted residence first. **Daniel MUKA** also admitted having stolen the number plate 'JET 082' from St. Julian's together with the stocky fellow perpetrator, referred by him as the 'Barrel' (due to his physical stature at the time of crimes), indicating also that he is of Scandinavian origins. During the third and final statement, **Daniel MUKA** was shown photos of different

persons, whereby he clearly indicated one of the co-perpetrators and indicated this person's location as last known to him;

Whereas based on all the above information, and also further revelations which resulted in the course of the investigations, it became manifestly clear to the authorities that **Daniel MUKA**, with his own actions, entered the house where Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI resided, armed and accompanied by a co-perpetrator, and from that point onwards lead and participated in a fatal scuffle that involved the use of deadly weaponry, finally resulting in the homicide of the two afore-mentioned persons Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI, and therefore, with his actions, **Daniel MUKA** is guilty of wilful homicide, precisely that 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.

### **The Consequences:**

Therefore, with his own actions, the accused **Daniel MUKA** can be found guilty of wilful homicide, meaning that 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.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 wilful homicide, 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the aforementioned **Daniel MUKA** is, according to the law, sentenced to life imprisonment in accordance with the content of Articles 17, 31, 211 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

## **THE SECOND (II) COUNT**

*Theft accompanied by Wilful Homicide, aggravated by 'Violence', 'Means', 'Amount', 'Place' and 'Time'*

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment, it clearly resulted that **Daniel MUKA** lead and participated in a homicidal armed robbery at the targeted residence in the address '22, Locker Street, Sliema', and made off with an amount of jewellery together with the other co-perpetrators. Some of this jewellery was even found in **Daniel MUKA**'s effective possession at the time of his arrest in Floriana;

Whereas in the course of investigations, **Daniel MUKA** admitted to his participation in the theft of the concerned jewellery, which involved the external breaking into a dwelling place whilst accompanied by two (2) other persons, doing so whilst being armed and making use of a disguise of garment and/or appearance and of masks, and such theft eventually leading to the homicide of two (2) other persons. **Daniel MUKA** also confirmed with the investigators that the jewellery that was found on his very person during the time of his arrest originated from the afore-mentioned theft. The total value of the amount of jewellery stolen from the targeted residence when the homicidal robbery took place, was confirmed at a subsequent stage of the investigation that it exceeded the amount of two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37). This theft took place at a time after ten o' clock in the evening (22:00 hrs) during August in Malta, therefore occurring at night, that is to say, between sunset and sunrise;

Whereas based on all the above information, and basing also on further revelations which resulted in the course of the investigations, it became manifestly clear to the authorities that **Daniel MUKA**, with his own actions, lead and conducted an armed robbery at night that resulted in the fatal shooting of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI, and also resulted in the theft of jewellery, which amounts to more than the value of two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), and this to the detriment of the mentioned Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI.

### **The Consequences:**

Therefore, with his own actions, **Daniel MUKA** is guilty of having, on the same date, during the same time, at the same place, and in the same circumstances as those explained in the previous First (I) Count and this Count, 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.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to life imprisonment, in accordance with Articles 17, 31, 211, 261(a)(b)(c)(d)(e)(f), 262(l)(a)(b), 263(a)(b), 264(1), 267, 269(g), 270, 272, 272A, 275, 276, 277, 278, 279(a), 280, 280(a)(b) and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

## **THE THIRD (III) COUNT**

*Unlawful detention and confinement of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI against their will whilst subjected to bodily harm with the object of extortion of money or effects*

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment and subsequent Counts to that, it clearly resulted that **Daniel MUKA**, whilst leading and participating in the homicidal armed robbery at the targeted residence in the address ‘22, Locker Street, Sliema’, in the process of such robbery, he came face to face with one of the victims,

Christian PANDOLFINO, in the hallway immediately after breaking into the targeted residence;

Whereas in view of the facts as established by the whole investigation, it became abundantly clear that **Daniel MUKA** participated in the unlawful and unauthorized detention and confinement, even if instantaneous, of Christian PANDOLFINO against his will and in his own residence, before proceeding to the slaying of the latter. The same could be said with respect to the other victim Ivor Piotr MACIEJOWSKI. In order to have successfully executed this, **Daniel MUKA**, alongside with the other perpetrator present with him in the targeted residence during the confrontation, detained and/or confined the above-mentioned victims;

Whereas it became abundantly clear from all the circumstances and evidence that the investigators encountered in this case, that such detention and confinement of the above mentioned victims Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI was made by **Daniel MUKA** principally for the purpose of extorting money or effects, and also, during such detention and/or confinement, these victims were mercilessly subjected to bodily harm of deadly proportions. All this was confirmed by **Daniel MUKA** himself as the perpetrator leading the armed robbery that necessitated the detention and confinement of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI. Therefore, in those circumstances, **Daniel MUKA** was responsible for 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.

### **The Consequences:**

Therefore, with his own actions, the accused **Daniel MUKA** is guilty 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.



### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment from thirteen (13) months to six (6) years, in accordance with the content of Articles 17, 31, 86, 87(l)(c)(e), 88 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

## **THE FOURTH (IV) COUNT**

### ***Possession of a firearm during the commission of an offence***

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020), and in the subsequent days afterwards, as indicated in the First (I) and subsequent Counts of this Bill of Indictment, it clearly resulted that **Daniel MUKA**, whilst leading and participating in the homicidal armed robbery at the targeted residence in the address '22, Locker Street, Sliema', carried a loaded firearm, later established to be a semi-automatic pistol of the make Glock that shoots ammunition of the nine millimetre (9mm) calibre, so much so that in due course of the investigation it was ascertained that moments before the targeted residence was breached, **Daniel MUKA** was warned to exercise caution with the firearm that was in his effective possession;

Whereas in the course of the investigation, it was suspected that it was **Daniel MUKA** who had effective possession of the firearm, which later clearly resulted that it was loaded with live ammunition. Having said this, the result was far from caution, as the armed robbery ended up including the homicide of the two (2) residents of the targeted residence. It

resulted abundantly clear from the version **Daniel MUKA** gave to the investigators that this firearm was somehow used to great effect during the commission of the crime or crimes in question;

Whereas moreover, in the course of the investigation it clearly resulted that in the white Volkswagen Tiguan that was used in the commission of the homicidal armed robbery and abandoned in Pieta` after the crime, and therefore as a vehicle it was driven to the location of the armed robbery by **Daniel MUKA**. This vehicle was later to be found abandoned in Pieta` by the investigators, and in this vehicle there were stored at least two (2) firearm replicas or imitations, one of the AK-47 Kalashnikov assault rifle, and the other of the Thompson sub-machine gun. From such circumstances, it appeared clearly that these items were intended by the perpetrators to provide some form of backup or serve as extra equipment specifically for the purposes of executing the armed robbery that resulted in the double homicide;

Whereas it became abundantly clear from all the circumstances and evidence available, that **Daniel MUKA** was responsible of carrying (and therefore possessing) a firearm at the time when he was committing a crime against the person and of theft, that is the concerned homicidal armed robbery in Sliema. Furthermore, at the time when he was being arrested, the same **Daniel MUKA** was found to be in effective possession of a firearm, the same firearm that was used for the afore-mentioned crimes committed in Sliema.

### **The Consequences:**

Therefore, with his own actions, the accused **Daniel MUKA** is guilty of having, at the time of committing crimes against the person and of theft, and even at the time of his arrest in Floriana for the afore-mentioned crimes, had on his person a firearm.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 having, 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment not exceeding four (4) years, and this in accordance with the content of Articles 17, 31 64 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, and also in accordance with the contents of Articles 2 and 55, 56, 57 and 60 of the Arms Act, Chapter 480 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

### **THE FIFTH (V) COUNT**

*Use of an identification number other than that allotted by the police or by an Authority in relation to a particular motor vehicle*

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) and subsequent Counts of this Bill of Indictment, it resulted that **Daniel MUKA** was using a stolen vehicle registration plate, 'JET 082', that was reportedly stolen from a Seat Cordoba whilst parked in St. Julian's on the third (3rd) of August of the same year two thousand and twenty (2020). These registration plates, which were registered on that particular Seat Cordoba from which they were lifted and stolen, somehow ended up on the white Volkswagen Tiguan that was driven by **Daniel MUKA** and used by himself and the other perpetrators not only to arrive on the scene of the homicidal armed robbery, but also to flee from the area once the deed was done. This was amply confirmed by eyewitness accounts and CCTV footage examined by the investigators;

Whereas these vehicle registration number plates were eventually found bent and discarded in the back storage of the same afore-mentioned white Volkswagen Tiguan, thus validating the observations of eyewitness accounts in this regard. Furthermore, even from **Daniel MUKA**'s own admissions to the investigators, and facts established through further investigations subsequently to **Daniel MUKA**'s arrest, there was little doubt that **Daniel MUKA**, on the night of the homicidal armed robbery, drove the white Volkswagen Tiguan whilst it was making use of the stolen registration number plates 'JET 082';

Whereas therefore **Daniel MUKA**, whilst driving the Volkswagen Tiguan on the night of the homicidal armed robbery, said vehicle was presenting and making of an identification number 'JET 082', which is a different number, a number other than that allotted by the relevant authorities in relation to that particular Volkswagen Tiguan. This is more so since according to the relevant authorities, the vehicle registration number plate 'JET 082' could

only be used by the vehicle registered to it, which was exclusively the mentioned Seat Cordoba from which they were reportedly stolen in St. Julian's;

Whereas from further enquiries with the relevant Maltese authorities after the day of the homicidal armed robbery, it transpired that the afore-mentioned registration number plates 'JET 082' were also captured on camera being irregularly used on a Peugeot 106 on the fourteenth (14th) of August of the same year two thousand and twenty (2020). Furthermore, at that stage the relevant Maltese authorities re-affirmed with the investigators that the registration number plates 'JET 082' could only be lawfully used on that vehicle from which they were stolen, that is the afore-mentioned Seat Cordoba;

Whereas it became abundantly clear from all the circumstances and evidence that the investigators encountered in this case, that **Daniel MUKA** was responsible for using an identification number other than that allotted by the police or by an Authority in relation to a particular motor vehicle, and this occurred:

- i. when he drove the Volkswagen Tiguan whilst bearing the vehicle registration number plate 'JET 082', and this when it could only bear the vehicle registration number plate 'CRS 240' as an identification;
- ii. when he replaced said vehicle registration number plate 'JET 082' with vehicle registration number plate 'CCB 042' in order to 'disguise' the Volkswagen Tiguan before disposing of it, and this when it could only bear the vehicle registration number plate 'CRS 240' as an identification;
- iii. when the Peugeot 106 that was in effective control of **Daniel MUKA** was captured in camera footage belonging to the Maltese authorities, whilst bearing the vehicle registration number plate 'JET 082', and this when such vehicle registration number plate could only be used on the Seat Cordoba as an identification, from which such vehicle this vehicle registration number plate was stolen.

### **The Consequences:**

Therefore, with his own actions, the accused **Daniel MUKA** is guilty of having made use of an identification number, specifically 'JET 082', other than that allotted by the police or by an Authority in relation to a particular motor vehicle, specifically both the Volkswagen Tiguan and the Peugeot 106, which were registered with the relevant authorities with different vehicle registration numbers.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment not exceeding six (6) months or to a fine (multa) not exceeding one thousand and two hundred euros (€1,200), or to both such term not exceeding six (6) months and fine (multa) not exceeding one thousand and two hundred euros (€1,200), and this in accordance with the content of Articles 14, 17, 31, and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, and in accordance with the contents of Articles 2 and 15(1A) of the Traffic Regulation Ordinance, Chapter 65 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

## **THE SIXTH (VI) COUNT**

### ***Possession and carriage of a firearm and/or ammunition without a license***

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) and subsequent Counts of this Bill of Indictment, it became manifestly clear that **Daniel MUKA** was in effective possession of an arms proper, specifically a semi-automatic pistol of the make Glock, in the following instances

- i. before the commission of the crimes in question, and this based on information obtained by the investigators revealing that as soon as **Daniel MUKA** exited the Volkswagen Tiguan and began to head for the targeted residence, **Daniel MUKA** was in fact armed with this particular firearm, and because of this, at that moment in time, **Daniel MUKA** was allegedly even warned by one of the other perpetrators to be careful with said firearm and not to use it in vain;

- ii. immediately after the commission of the crimes in question, and this as admitted by **Daniel MUKA** himself whilst giving his version of events to the investigators, whereby he explained that one of the other co-perpetrators allegedly was going to discard the Glock firearm after it was used as corpus delicti and **Daniel MUKA** took away the same firearm for himself instead of having it thrown away;
- iii. days after the commission of the crimes in question, as the officers who arrested **Daniel MUKA**, during the time of such arrest, found the exact same firearm, still loaded with live ammunition, in **Daniel MUKA's** possession, having **Daniel MUKA** later confirm that the Glock firearm was the murder weapon;

Whereas after due enquiries, it resulted that **Daniel MUKA** does not have (and, for all intents and purposes, never had) any license whatsoever to possess and/or carry any type of firearm within the territory of the Republic of Malta.

### **The Consequences:**

Therefore, with his own actions, **Daniel MUKA** is guilty of having kept in any premises or in his possession, under his control or carried outside any premises or appurtenances, any firearm or ammunition falling within Schedule II of the Arms Act (Chapter 480 of the Laws of Malta) without a license from the Commissioner of Police.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 kept in any premises or in his possession, under his control or carried outside any premises or appurtenances, any firearm or ammunition without a license 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 license under the same Chapter 480 of the Laws of Malta.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment of not less than three (3) months and not exceeding five (5) years, and this in accordance with the

content of Articles 17, 31 64 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, and also in accordance with the contents of Articles 2, 5, 51(2), 56, 57, 60 and 61 of the Arms Act, Chapter 480 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

### **THE SEVENTH (VII) COUNT**

***Knowingly received or purchased property which has been stolen, misapplied or obtained by means of an offence committed in Malta, or has knowingly taken part, in any manner whatsoever, in the sale or disposal of same property***

#### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in both preceding and subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment and subsequent Counts of this Bill of Indictment, it became manifestly clear during the investigation that **Daniel MUKA** had knowingly received property, which had been stolen or obtained by means of any offence, specifically the white Volkswagen Tiguan that was used by the perpetrators to reach Locker Street in Sliema where the targeted residence was situated;

Whereas this is being stated even in view of the vast amount of evidence the investigators accumulated, which shows that **Daniel MUKA** had effective possession and control over this Volkswagen Tiguan during the commission of the crimes in question (and this includes forensic evidence and **Daniel MUKA's** own version of events), it is an irrefutable fact that the concerned Volkswagen Tiguan was the same one as that which had been reported stolen by Malcolm Fava. On the fourteenth (14th) of September of the year two thousand and eighteen (2018), Malcolm Fava had attended at the Sliema Police Station to report his vehicle to be stolen, that essentially the same Volkswagen Tiguan which at that time displayed the vehicle registration number plates 'CRS 240', whereby the investigation at that time proved to be fruitless and no progress was made in the tracing back of said vehicle Volkswagen Tiguan;

Whereas furthermore, it has also resulted during the investigation that it was **Daniel MUKA** who disposed of the stolen Volkswagen Tiguan by taking it to the designated parking area in Pieta' where the vehicle was practically abandoned by the three (3) perpetrators, including **Daniel MUKA**.

### **The Consequences:**

Therefore, with his own actions, **Daniel MUKA** is guilty of knowingly receiving or purchasing property which has been stolen, misapplied or obtained by means of any offence, hence the vehicle of the make Volkswagen Tiguan, and has knowingly taken part, in any manner whatsoever, in the disposal of the same vehicle afore-mentioned, and this when such property had been obtained by theft or by means of any of the various offences relative to unlawful acquisition and possession of property.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 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 afore-mentioned vehicle, and therefore of 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment from thirteen (13) months to ten (10) years, and this in accordance with the content of Articles 17, 18, 31, 261(c), 267, 279(b), 334 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.



## **THE EIGHTH (VIII) COUNT**

### ***Theft aggravated by ‘Nature of the Thing Stolen’ and ‘Time’ to the detriment of Aaron Agius***

#### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment and subsequent Counts of this Bill of Indictment, it became manifestly clear during the investigation that **Daniel MUKA** had stolen a set of vehicle registration number plates ‘JET 082’ from a vehicle of the make Seat Cordoba, whilst it was parked in St. Julian’s, which vehicle belonged to a certain Aaron Agius;

It resulted from further investigations and intelligence that these vehicle registration number plates were then used on other vehicles, namely on a Volkswagen Tiguan and a Peugeot 106. All this occurred to the detriment of said Aaron Agius who is the sole legal possessor of such vehicle registration number plates, and such theft divested him from their effective possession;

Whereas as aforementioned, these vehicle registration number plates had been reported stolen on the third (3rd) of September of the year two thousand and twenty (2020), by Aaron Agius who was the lawful possessor of such vehicle registration number plates. No progress in the investigation was made until the Volkswagen Tiguan that was used and driven by **Daniel MUKA** for the purposes of the mentioned homicidal armed robbery was eventually discovered by the investigators with the concerned vehicle registration number plates found bent in the same vehicle, thus leaving very little to no reasonable doubt that it was **Daniel MUKA** who stole the mentioned vehicle registration number plates ‘JET 082’.

#### **The Consequences:**

Therefore, with his own actions, **Daniel MUKA** is guilty of committing theft, aggravated by the ‘nature of the thing stolen’, and this to the detriment of Aaron Agius.

#### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment of not less than seven (7) months and not more than four (4) years, and this in accordance with the content of Articles 17, 18, 31, 261(g), 270, 271(g), 281(a)(b) and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

### **THE NINTH (IX) COUNT**

*Theft aggravated by 'Nature of the Thing Stolen' to the detriment of Brian Cutajar and/or Regina Auto Dealer and/or any other persons or entities that may qualify*

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment and subsequent Counts of this Bill of Indictment, it became manifestly clear during the investigation that **Daniel MUKA** had in fact committed theft of vehicle registration number plates with registration number 'CCB 042' from a vehicle which belonged to a certain Brian Cutajar who runs the company Regina Auto Dealer;

Whereas in the course of the investigations following the homicidal armed robbery, it was established that a white crossover vehicle of the make Volkswagen was an object of interest related to the homicide investigation at hand, and subsequently a white Volkswagen Tiguan was located by a CID patrol assisting in the case in the area which the investigators had pinpointed for searching. This vehicle was found on the twentieth (20th) day of August of the same year two thousand and twenty (2020), a few days after the homicidal armed robbery had occurred;

Whereas when this vehicle was found, it was found parked in an area in the locality of Pieta', whilst carrying vehicle registration number plates 'CCB 042'. However, notwithstanding this fact, this particular Volkswagen Tiguan continued to raise further suspicion because as a vehicle it had specific markings and features similar to those, which had been observed on the white getaway vehicle from CCTV footage studied by the investigators;

Whereas after a due search in the parked vehicle that has just been discovered by the CID patrol, the vehicle registration number plates which had been observed on the investigated CCTV footage was found bent in the back storage of said Volkswagen Tiguan, thus explaining how at that particular moment in time it was fixed with vehicle registration numberplates ‘CCB 042’;

Whereas after further enquiries, investigators confirmed that the vehicle registration number plates ‘CCB 042’ had been in due course officially reported stolen by Brian Cutajar as the representative of the business Regina Auto Dealer, whereby said vehicle registration number plates were allegedly lifted off from a vehicle of the make Skoda Felicia Combi that was property of the said Brian Cutajar. After arresting **Daniel MUKA**, subsequent enquiries (including the relevant interrogation) made it abundantly clear that **Daniel MUKA** was the person responsible for the theft of the vehicle registration number plates ‘CCB 042’.

### **The Consequences:**

Therefore, with his own actions, the accused **Daniel MUKA** is guilty of theft 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.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment of not less than seven (7) months and not more than four (4) years, and this in accordance with the content of Articles 17, 18, 31, 261(g), 271(g), 281(a) and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

## **THE TENTH (X) COUNT**

### ***Breach of Bail Conditions***

#### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the preceding days before and the subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment and subsequent Counts of this Bill of Indictment, it is unquestionable that as a result of all the criminal activity **Daniel MUKA** had engaged himself in within the facts of this particular case, consequentially in various instances he breached bail conditions that had been imposed on him for a previous pending case. These bail conditions had been specifically imposed on **Daniel MUKA** so that he could be released from preventive custody that had been imposed upon him as a result of him being arrested and charged for a separate and distinct case involving crimes against the person and property that have been commissioned back in the year two thousand and seventeen (2017);

Whereas these bail conditions were imposed by virtue of a decree of the Criminal Court dated the twenty-fourth (24th) of July of the year two thousand and nineteen (2019), whereby amongst the various conditions imposed on **Daniel MUKA**, there were the following:

- i. that he does not change his address once given by him to the Criminal Court, as changing it would require prior approval by the same Criminal Court, a condition which he broke after the homicidal robbery by squatting in Floriana to evade the authorities, where he was eventually arrested on the twenty-fifth (25th) of August of the year two thousand and twenty (2020);
- ii. that he signs at the police station in the locality of his residence every day, a condition which he broke consistently after the eighteenth (18th) of August of the year two thousand and twenty (2020), as his failure to show up at the concerned Police station after that date to sign the bail book was even a point of interest to the investigators in this particular case, a point that lead to further enquiries;
- iii. that he returns home every day by latest half past eight in the evening (20:30hrs /08:30pm), a condition he clearly and blatantly broke on that very night between the eighteenth (18th) and nineteenth (19th) of August of the year two thousand and twenty (2020), when on the eighteenth (18th) at various times after ten o'clock in the evening (22:00hrs/10pm) onwards, he was captured on multiple CCTV footages participating in crime and basically still out in the street, and this in violation of the curfew imposed by the Criminal Court;

- iv. Furthermore, the very fact that **Daniel MUKA** committed all those crimes whilst on bail on the night of the eighteenth (18th) of August of the year two thousand and twenty (2020), all crimes which are not of an involuntary nature, means that he has violated both the law and the concerned bail conditions and has therefore committed an offence.

### **The Consequences:**

Therefore, with his own actions, the accused **Daniel MUKA** is guilty of failing to observe conditions imposed by the Criminal Court in its decree granting bail and is also guilty of committing a crime not being one of an involuntary nature whilst on bail.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, 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 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. Madam Justice Dr. Consuelo Scerri Herrera LL.D. dated the twenty-fourth (24th) of July of the year two thousand and nineteen (2019), granting bail and also of having committed a crime not of an involuntary nature whilst on bail.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Daniel MUKA** is, according to the law, sentenced to a term of imprisonment from four (4) months to two (2) years, and a fine (multa), and order that the sum of ten thousand euros (€10,000) stated in the bail bond, be forfeited in full or in part to the Government of Malta in accordance with the content of Articles 14, 17, 18, 31, 575, 579(2), and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

Having seen that by means of the said Bill of Indictment, the Attorney General, in the name of the Republic of Malta, declared, with regards to **Viktor DRAGOMANSKI**:

## **THE ELEVENTH (XI) COUNT**

### ***Complicity in wilful homicide of Christian Pandolfino and Ivor Piotr Maciejowski***

#### **The Facts:**

Whereas on the eighteenth (18th) of August of the year two thousand and twenty (2020) at about half past ten in the evening (22:30hrs/10:30pm), the Homicide Squad within the Malta Police Headquarters was informed through the Police Control Room that a shooting incident had occurred at the address '22, Locker Street, Sliema'. At that point in time, the information was that three (3) male persons had allegedly been seen entering the aforementioned residence and, subsequently to that fact, gunshots were heard inside the concerned residence. Immediately after these gunshots were heard, the three (3) male persons were allegedly seen leaving the area in a white vehicle, with a license plate 'JET 082';

Whereas officers from various branches of the Malta Police Force reported immediately at the address, whereby from a preliminary stage of the investigation, it resulted that the tenants of the residence, Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI, were shot dead inside same residence. Christian PANDOLFINO was found lying on the floor, at the entrance of said residence in the ground floor, whilst Ivor Piotr MACIEJOWSKI was found lying dead near the stairs between the ground floor and the first-floor level of the residence. At that stage it was also noted that the victims had had jewellery snatched from their physical persons, as there were other parts of such jewellery scattered near and around the bodies. Even at that stage, the evidence was indicating that the crime in question was that of an armed robbery, which for some reason escalated into a double homicide;

Whereas further investigations discovered that the main door of the residence had visible marks of a recent break-in, suggesting that the perpetrators had gained access to the residence by forcing the door open. Preliminary evidence indicated that once inside, the perpetrators must have somehow immediately encountered Christian PANDOLFINO near the entrance, who was then shot five (5) times. It appeared that the perpetrators then proceeded upstairs and shot MACIEJOWSKI dead with a single (1) shot close to the forehead. From the available evidence at that stage, it seemed that MACIEJOWSKI was rushing to proceed downstairs after hearing the commotion (including the gunfire aimed at Christian PANDOLFINO) and ended up getting shot by the perpetrators;

Whereas the investigators proceeded to interview various neighbors and witnesses who were in the area at the time, and it was further established that two (2) males were seen proceeding to the targeted residence and gaining entry, and soon afterwards gunfire was heard. Momentarily afterwards, one (1) of the perpetrators was seen proceeding outside again, and approached the car from where a third (3rd) male looking person came out and

accompanied him directly back inside the targeted residence that was being robbed. After some time, all three (3) persons were seen leaving together, one (1) of them carrying what looked like being a brown bag, towards the same white vehicle in which they had arrived with on the scene. One of such witnesses further stated that he came out of his residence after hearing gunfire and noticed the three (3) men leaving in a white vehicle. At that stage, the information investigators had, was that this vehicle was likely to be some sort of Volkswagen crossover, with the registration number 'JET 082', and this vehicle was seen leaving the crime scene through Tigne Street, Sliema;

Whereas a criminal inquiry was immediately opened, and various experts were appointed for the preservation and examination of evidence. It was determined at an early stage that the cartridges possibly used by the concerned firearms were of nine-millimeter (9mm) caliber and possibly compatible with the ammunition that is used for a Glock semi-automatic pistol. After the forensic experts concluded their preliminary inquiries, the investigators and other court-appointed experts proceeded inside the house in search of the CCTV recording system, which was located and preserved for further analysis;

Whereas upon permission of the inquiring magistrate, the investigators spoke to the court appointed expert in regard to the CCTV footage whereby the investigators were informed that the footage showed Christian PANDOLFINO, returning home on his quadbike at ten (10) minutes past ten in the evening (22:10hrs). The suspect white vehicle was observed on the CCTV footage scouting the area, stopping at upper Locker Street, some eighty (80) meters from the targeted residence. A tall male person, followed by a shorter and stocky male, wearing distinguishable clothing, proceeding from the white suspect vehicle and entering the targeted residence. After a while, the stocky person with the distinguishable clothing, was observed coming out and walking towards the suspect vehicle and proceeding to the targeted residence again together with the third (3rd) suspect. Then all three (3) suspects were recorded leaving together, one of them holding a small bag and fleeing in the said white suspect vehicle towards Tigne Street;

Whereas from further enquiries it resulted that registration number plates 'JET 082' were reported to having been stolen on the third (3rd) of August of the same year two thousand and twenty (2020) from a parking area in St. Julian's from a vehicle of the make Seat Cordoba. With the assistance of other authorities, the investigators were informed that on the fourteenth (14th) of August of the same year two thousand and twenty (2020), the said number plates 'JET 082' were recorded on a vehicle of the make Peugeot 107. It was established that after the homicidal armed robbery, the white suspect vehicle proceeded through the localities of Sliema, Kappara, Santa Venera, Msida and Pieta', arriving at the final destination minutes after the concerned incident;

Whereas on the twentieth (20th) day of August of the same year two thousand and twenty (2020), a white Volkswagen Tiguan in the parking area situated in Pieta', in the vicinity of

St. Luke's Hospital, was located by a CID patrol. At the time of this discovery, this Volkswagen Tiguan (that looked closely identical to the suspect white vehicle, even by certain features and marks of the particular model) had license plates 'CCB 042'. According to the available information at that time, these particular license plates had also been reported as stolen. The same forensic team as appointed by the Inquiring Magistrate were called on site where the Volkswagen Tiguan was discovered and a search was executed on said vehicle. From this search, a brown female handbag was discovered, containing, amongst others, several items connected with Paula PANDOLFINO, who happens to be the sister of the afore-mentioned victim Christian PANDOLFINO, as well as other items similar to items which were noticed in the residence where the homicidal incident occurred;

Whereas most significantly, the license plates 'JET 082' which were used during the commission of the homicide were found folded in said vehicle, further confirming that this was the same Volkswagen Tiguan that was used in the homicidal armed robbery. Furthermore, several items were found inside the back storage of the vehicle. These items consisted of wigs, clothes, masks, gloves and realistic firearm imitations that at that stage were deemed to have been procured or used for the purposes of the armed robbery. Consequently, all these above-mentioned items were preserved and the vehicle was taken into custody for further forensic examination.

Whereas from examination of further CCTV footages obtained from the parking area where the above-mentioned Volkswagen Tiguan was found by the Police, it was observed that on the night of the homicidal armed robbery no cars came out of the said parking area for a long time but eventually three (3) persons fitting the description as those seen on the CCTV in the area where the armed robbery occurred, were observed. A trail of CCTV footage from different cameras was followed and examined by the investigators, where the same three (3) persons were practically followed via CCTV footage up to the bus stop in Marina Street, Msida. Eventually, these three (3) persons were observed via CCTV footage stopping at the bus stop in said Marina Street. At that stage, it was closely observed that one (1) of these three (3) persons had an elbow support sleeve;

Whereas further enquiries lead to police intelligence that a certain person who fitted closely the physical description of the tall person seen in the CCTV footage was observed in a different location two (2) days before the incident wearing an elbow support sleeve and driving a Peugeot 106 identical to the one ascertained in data provided to the investigators by other governmental authorities. This gave the investigators a strong hypothesis that this person must be further closely investigated. At that stage, the other two (2) perpetrators could not be fully identified, although investigators took careful note of the clothes they were observed wearing in the CCTV footage being investigated;



Whereas further enquiries and intelligence gathering lead to the pinpointing of the aforementioned ‘tall’ perpetrator’s cell phone in the area where the double homicide occurred, on that same night when such incident occurred. Further intelligence revealed that this person also missed a regular appointment with the Maltese authorities one (1) day after the double homicide, which caught the investigators’ attention. Upon examinations of evidence lifted from the seized Volkswagen Tiguan, it was strongly indicated that said ‘tall’ perpetrator was using the concerned suspect vehicle;

Whereas on the basis of all the above and further facts established in the course of the investigation, the investigators obtained a warrant for the arrest of the identified ‘tall’ perpetrator, who was eventually traced and arrested in a residence in Floriana on the twenty-fifth (25th) of August of the same year two thousand and twenty (2020). This happened to be of a different address than that he was declaring to the concerned authorities. During the raid, arresting officers also managed to seize a semi-automatic pistol of the make Glock loaded with eleven (11) live bullets. Whilst a search was conducted in the residence and on this co-perpetrator’s person, jewellery belonging to one of the victims of the homicidal robbery was found, and it was notably visible that the sole of the ‘tall’ perpetrator’s shoe had previously yet recently stepped on blood;

Whereas following further investigations, which included information given by the ‘tall’ suspect who was taken into custody, lead to the identification of one of the co-perpetrators, who was identified as Macedonian national **Viktor DRAGOMANSKI**, allegedly living in Sliema.

Whereas on the twenty-seventh (27th) of August of the year two thousand and twenty (2020), the investigators conducted searches in Sliema for the suspect perpetrator **Viktor DRAGOMANSKI**, and after acquiring his cell phone number, live cell phone localisation was applied and **Viktor DRAGOMANSKI**’s location at that time was pinpointed to be in the locality of Gżira, precisely in the Blu Bay Hotel, in Gżira. Following this information, the Police conducted a raid and search in this hotel, whereby during this raid **Viktor DRAGOMANSKI** was in fact sighted and pursued. During such pursuit, there was a point where **Viktor DRAGOMANSKI** jumped from two (2) storeys high to the street, in order to evade arrest, however he was eventually subdued and arrested;

Whereas after being arrested, informed of the reasons for his arrest, and informed of all applicable rights in accordance with the law, **Viktor DRAGOMANSKI** voluntarily expressed his anger at the whole situation in front of his arresting officers, claimed that he was lured into this whole situation, that the killing of those two (2) men Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI was not desired by him, and declared his willingness to speak freely with the investigators. **Viktor DRAGOMANSKI** explained that on the day of the incident, he was approached by the one identified as the ‘tall’ perpetrator (who coincidentally at that time was driving a white Volkswagen Tiguan) and

another person (precisely the other co-perpetrator), who asked him to join them on a particular 'job'. **Viktor DRAGOMANSKI** accepted and joined these two (2) persons, however soon realised that there was no clear plan on how to execute the 'job', however upon reaching Locker Street in Sliema, the 'tall' perpetrator informed him of the intended robbery and pinpointed the targeted residence. **Viktor DRAGOMANSKI** also claimed that as soon as the 'tall' perpetrator stepped out of the car, he could see that he was in possession of a firearm and warned him to exercise caution and not use the firearm in vain.

Whereas **Viktor DRAGOMANSKI** explained to the investigators that the two other perpetrators proceeded to the targeted residence, and whilst he was in the car, he heard gunfire. Momentarily afterwards, one of the perpetrators, the one identified by the investigators as having a stocky build, came out of the targeted residence and proceeded to fetch **Viktor DRAGOMANSKI** and asked him to go with him in the targeted residence. **Viktor DRAGOMANSKI** followed immediately, without protest, and as soon as he entered the targeted residence, he first noticed the body of one of the victims, Christian PANDOLFINO, and moments after, the body of the other victim Ivor Piotr MACIEJOWSKI. When one of the perpetrators declared that the 'job' is done and they should leave, they all left the residence upon such instruction and fled from the area;

Whereas furthermore **Viktor DRAGOMANSKI** confirmed with the investigators that they, the perpetrators, drove off from the area and eventually parked in that very place where the vehicle was eventually found by the investigators. Once parked they changed some of the clothes they were wearing whilst committing the homicidal robbery, and **Viktor DRAGOMANSKI** helped one of the perpetrators to change the number plates from those 'JET 082' to those 'CCB 042'. As soon as they were done, they then proceeded on foot towards the Msida waterfront where the afore-mentioned bus stop was mentioned in the course of the investigations, whereby they eventually ordered a taxi and were transported to **Viktor DRAGOMANSKI's** abode in Sliema;

Whereas **Viktor DRAGOMANSKI** gave full access of his cellphone to the investigators, which enabled the identification of the third perpetrator of the stocky build, who at the time was still at large. **Viktor DRAGOMANSKI** remained consistent in his version, and on the twenty-seventh (27th) of August of the same year two thousand and twenty (2020), **Viktor DRAGOMANSKI** gave three (3) audiovisual statements, where it was ascertained that the 'tall' perpetrator was driving the vehicle, **Viktor DRAGOMANSKI** had stayed in the car whilst the gunfire was occurring in the targeted residence, and the first two (2) perpetrators to enter the targeted residence were those who had initially approached **Viktor DRAGOMANSKI** to assist them in this particular homicidal robbery, and when **Viktor DRAGOMANSKI** entered the residence with one of the co-perpetrators, at that stage the victims were already neutralized;

Whereas **Viktor DRAGOMANSKI** also confirmed with the investigators that the ‘tall’ perpetrator made use of the same wig that was found by the investigators whilst searching the afore-mentioned Volkswagen Tiguan, and when shown pictures of the realistic firearm replicas that were found in the said vehicle, he also confirmed to know about those. **Viktor DRAGOMANSKI** also confirmed that he was promised money by the ‘tall’ perpetrator, and although he received a sum of over three hundred euros (€300), and was due to receive more amounts, however the remainder never arrived;

Whereas in consideration of all the above, it became abundantly clear that **Viktor DRAGOMANSKI** consciously and intentionally involved himself as an accomplice in the homicide of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI, and he did so:

- i. By joining said co-perpetrators, once approached, to participate in an unlawful ‘job’, therefore increasing not only their manpower but by extension also their general volition to make their way towards the targeted residence for their nefarious purposes;
- ii. By failing to desist from taking part in the unlawful activity even when becoming aware of the presence and possible use of firearms for the execution of the so-called ‘job’;
- iii. By failing to desert such an unlawful operation even when becoming aware that gunshots were fired and that things could have possibly taken a seriously ugly turn, being the same gunshots that killed Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI;
- iv. By following one of the co-perpetrators back inside the targeted residence where the double homicide occurred, when asked to do so, and this after **Viktor DRAGOMANSKI** had heard the gunshots;
- v. By leaving the crime scene and subsequently, fleeing the area together with the other co-perpetrators, and this also when instructed to by one of the co-perpetrators;
- vi. By assisting a co-perpetrator in necessary procedures to disguise evidence and any corpus delicti such as the getaway vehicle of the make Volkswagen Tiguan;
- vii. By accepting partial remuneration for his trouble and participation in the homicidal ‘job’, with the promise of receiving more payments in due course, and by doing his very utmost to evade arrest (risking his own life and health during such evasion).

### **The Consequences:**

Therefore, with his own actions, the accused **Viktor DRAGOMANSKI** is guilty of complicity in a crime, specifically wilful homicide, 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, meaning that on the eighteenth (18) of August of the year twenty-twenty (2020), in Sliema, Malta, rendered himself as an accomplice in the killing or of putting the lives of Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI in manifest jeopardy, by strengthening the determination of another to cause the death of the same Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, in light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this Bill of Indictment, accuses the mentioned **Viktor DRAGOMANSKI**, guilty of complicity in wilful homicide, that is 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Viktor DRAGOMANSKI**, is, according to the law, sentenced to life imprisonment in accordance with the content of Articles 17, 31, 42(d)(e), 211 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

## **THE TWELFTH (XII) COUNT**

***Theft accompanied by Wilful Homicide, Aggravated by ‘Violence’, ‘Means’, ‘Amount’, ‘Place’ and ‘Time’***

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) Count of this Bill of Indictment, it clearly resulted

that **Viktor DRAGOMANSKI** involved himself and participated in what turned out to be a homicidal armed robbery at the targeted residence in the address '22, Locker Street, Sliema', and made off with an amount of jewellery together with the other co-perpetrators;

Whereas in the course of investigations, it resulted that **Viktor DRAGOMANSKI** participated in the theft of the concerned jewellery which involved the external breaking into a dwelling-place whilst accompanied by two (2) other persons, doing so whilst being armed and making use of a disguise of garment and/or appearance and of masks, and such theft eventually leading to the homicide of two (2) other persons;

Whereas **Viktor DRAGOMANSKI** confirmed with the investigators that he did not desert his co-perpetrators as soon as the robbery commenced, notwithstanding that he was hearing gunfire, and when requested by a co-perpetrator, he followed one of the co-perpetrators back inside the targeted residence after the gunfire, and also left the crime scene and the surrounding area with the other co-perpetrators. He received monetary payment for his involvement.

Whereas the total value of the amount of jewellery stolen from the targeted residence where the homicidal robbery took place was confirmed at a subsequent stage of the investigation that it exceeded the amount of two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37). This theft took place at a time after ten o'clock in the evening (22:00hrs/10.00pm) during August in Malta, therefore occurring at night, that is to say, between sunset and sunrise.

### **The Consequences:**

Therefore, with his own actions, **Viktor DRAGOMANSKI** is guilty of having, on the same date, during the same time, at the same place, and in the same circumstances as those explained in the previous First (I) Count and this Count, 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.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, in light of the circumstances, timeframe, reasoning and facts, which have already been mentioned above in this Bill of Indictment, accuses the mentioned **Viktor DRAGOMANSKI**, guilty of having 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Viktor DRAGOMANSKI** is, according to the law, sentenced to life imprisonment, in accordance with the content of Articles 17, 31, 211, 261(a)(b)(c)(e)(f), 262(1)(a)(b), 263(a)(b), 264(1), 267, 269(g), 270, 272, 272A, 275, 276, 277, 278, 279(a), 280, 280(a)(b) and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

### **THE THIRTEENTH (XIII) COUNT**

*Use of an identification number other than that allotted by the police or by an Authority in relation to a particular motor vehicle*

### **The Facts:**

Whereas owing to the nature of the circumstances which took place on the eighteenth (18th) of August of the year two thousand and twenty (2020) and in the subsequent days afterwards, as indicated in the First (I) and subsequent Counts of this Bill of Indictment, it resulted that the perpetrators were using a stolen vehicle registration number plate, ‘JET 082’, that was reportedly stolen from a Seat Cordoba, whilst parked in St. Julian’s on the third (3rd) of August of the same year two thousand and twenty (2020). These registration plates, which were registered on that particular Seat Cordoba from which they were lifted and stolen, ended up on the white Volkswagen Tiguan that was driven by one of the perpetrators and used by himself and the other perpetrators not only to arrive on the scene of the homicidal armed robbery, but also to flee from the area once the deed was done. This was amply confirmed by eyewitness accounts and CCTV footage examined by the investigators;

Whereas these vehicle registration number plates ‘JET 082’ were eventually found bent and discarded in the back storage of the same afore-mentioned white Volkswagen Tiguan, thus validating the observations of eyewitness accounts in this regard. Furthermore, even from facts established in the course of the investigation, in particular subsequently to the arrest of the mentioned ‘tall’ co-perpetrator, there was little doubt that **Viktor DRAGOMANSKI**, on the night of the homicidal armed robbery, boarded and therefore

made use of the white Volkswagen Tiguan, whilst it was bearing the stolen registration number plates 'JET 082';

Whereas furthermore it is to be underlined that **Viktor DRAGOMANSKI** even helped one of the co-perpetrators change the vehicle registration number plate from 'JET 082' to 'CCB 042' on the Volkswagen Tiguan, and this for the purpose of 'disguising' the getaway vehicle before abandoning it in Pieta`, and this when the Volkswagen Tiguan could only bear the vehicle registration number plate 'CRS 240' for identification purposes.

### **The Consequences:**

Therefore, with his own actions, the accused **Viktor DRAGOMANSKI** is guilty of having made use of an identification number, specifically 'JET 082' and 'CCB 042' respectively, other than that allotted by the police or by an Authority in relation to a particular motor vehicle, specifically the Volkswagen Tiguan, which was registered with the relevant authorities with the vehicle registration number 'CRS 240'.

### **The Accusation:**

Therefore, the Attorney General, on behalf of the Republic of Malta, in light of the circumstances, timeframe, reasoning and facts which have already been mentioned above in this Bill of Indictment, accuses the mentioned **Viktor DRAGOMANSKI**, 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.

### **The Requested Punishment:**

As a consequence of the above, the Attorney General is requesting that the afore-mentioned **Viktor DRAGOMANSKI** is, according to the law, sentenced to a term of imprisonment not exceeding six (6) months or to a fine (multa) not exceeding one thousand and two hundred euros (€1,200), or to both such term not exceeding six (6) months and fine (multa) not exceeding one thousand and two hundred euros (€1,200), and this in accordance with the content of Articles 17, 31, and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, and in accordance with the contents of Articles 2 and 15(1A) of the Traffic Regulation Ordinance, Chapter 65 of the Laws of Malta, or for any other sentence according to law that can be given to the afore-mentioned accused.

**Having seen** that the FOURTEENTH (XIV) COUNT brought against the accused **Viktor DRAGOMANSKI** was withdrawn by the Attorney General by his note of 13<sup>th</sup> June 2025;

**Having seen** its decree dated 16<sup>th</sup> June 2025, whereby following the said note, it ordered that the Bill of Indictment be amended by the removal of the said FOURTEENTH (XIV) COUNT;

**Having seen** the records of the proceedings;

**Having seen** the verdict of 28<sup>th</sup> June 2025, by which:

- i. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the FIRST COUNT of the Bill of Indictment;
- ii. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge of theft aggravated by 'Violence' in that it was accompanied with homicide and the thief presented himself armed, or where the thieves though unarmed, presented themselves in a number of more than two, and also aggravated by 'Means', by 'Amount' that exceeds the amount of two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), by 'Place' and by 'Time', as brought against him in the SECOND COUNT of the Bill of Indictment;
- iii. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of having, without a lawful order from the competent authorities, and saving the cases where the law authorises private individuals to apprehend offenders, arrested, detained or confined Christian Pandolfino and Ivor Piotr Maciejowski against their will, during which arrest, detention or confinement, Christian Pandolfino and Ivor Maciejowski were subjected to bodily harm or threatened with death and with the object of extorting money or effects, or of compelling them to agree to any transfer of property belonging to such person/s, as charged in the THIRD COUNT of the Bill of Indictment;



- iv. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the FOURTH COUNT of the Bill of Indictment;
- v. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the FIFTH COUNT of the Bill of Indictment;
- vi. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the SIXTH COUNT of the Bill of Indictment;
- vii. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the SEVENTH COUNT of the Bill of Indictment;
- viii. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the EIGHTH COUNT of the Bill of Indictment;
- ix. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty as principal of the charge brought against him in the NINTH COUNT of the Bill of Indictment;
- x. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Daniel MUKA** guilty of the charge brought against him in the TENTH COUNT of the Bill of Indictment;
- xi. The jury with **6** votes in favour and **3** votes against, found the accused **Viktor DRAGOMANSKI** not guilty of the charge brought against him in the ELEVENTH COUNT of the Bill of Indictment;
- xii. The jury with **6** votes in favour and **3** votes against, found the accused **Viktor DRAGOMANSKI** guilty as principal of the charge of theft aggravated by 'Violence' in that it was accompanied with homicide and the thief presented himself armed, or where the thieves though unarmed, presented themselves in a number of more than two, and also aggravated by 'Means', by 'Amount' that exceeds the amount of two

thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), by 'Place' and by 'Time', as brought against him in the TWELFTH COUNT of the Bill of Indictment;

- xiii. The jury unanimously with **9** votes in favour and **0** votes against, found the accused **Viktor DRAGOMANSKI** guilty as principal of the charge brought against him in the THIRTEENTH COUNT of the Bill of Indictment.

Declares the accused **Daniel MUKA** guilty of:

- i. The FIRST COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty of wilful homicide on the eighteenth (18th) of August of the year twenty-twenty (2020), in Sliema, Malta, in that 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;
- ii. The SECOND COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty of having on the eighteenth (18th) 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 euro 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;
- iii. The THIRD COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty 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 Ivor Piotr MACIEJOWSKI against their will, during which arrest, detention or confinement, Christian PANDOLFINO and Ivor Piotr MACIEJOWSKI were subjected to bodily harm, or threatened with death and with the object of extorting

money or effects, or of compelling them to agree to any transfer of property belonging to such person/s;

- iv. The FOURTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty of having on the eighteenth (18<sup>th</sup>) 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 (26<sup>th</sup>) 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;
- v. The FIFTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty 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 (18<sup>th</sup>) of August of the year two thousand and twenty (2020), at a time around quarter past ten (22:15hrs) and half past ten (22:30hrs) 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;
- vi. The SIXTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty 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 license from the Commissioner of Police, and therefore for having, on the twenty-sixth (26<sup>th</sup>) 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 license under the same Chapter 480 of the Laws of Malta;

- vii. The SEVENTH COUNT in the Bill of Indictment number 6/2022; 7/2022 and thus guilty of knowingly receiving or purchasing 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 afore-mentioned vehicle, and therefore of having, on the eighteenth (18<sup>th</sup>) 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 Volkswagen Tiguan;
- viii. The EIGHTH COUNT in the Bill of Indictment number 6/2022; 7/2022 and thus guilty of having on the third (3<sup>rd</sup>) 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;
- ix. The NINTH COUNT in the Bill of Indictment number 6/2022; 7/2022 and thus guilty 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 other persons or entities that may qualify, and therefore for having in the past two (2) months prior to the eighteenth (18<sup>th</sup>) 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;
- x. The TENTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty of having, on the twenty-fifth (25<sup>th</sup>) 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. Madam Justice Consuelo Scerri Herrera dated the twenty-fourth (24<sup>th</sup>) of July of the year two thousand and nineteen (2019) granting bail and of having committed a crime, not of an involuntary nature, whilst on bail.

**Declares** the accused **Viktor DRAGOMANSKI** not guilty of:

- xi. The ELEVENTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus not guilty of complicity in wilful homicide, that is, not guilty of having on the eighteenth (18<sup>th</sup>) 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 is thus acquitting the accused **Viktor DRAGOMANSKI** of this charge;

**Declares** the accused **Viktor DRAGOMANSKI** guilty of:

- xii. The TWELFTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty of having on the eighteenth (18<sup>th</sup>) 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 euro 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;
- xiii. The THIRTEENTH COUNT in the Bill of Indictment number 6/2022; 7/2022, and thus guilty 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 (18<sup>th</sup>) 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.

**Having seen** the criminal record sheet of both accused;

**Having heard** the witnesses called by the accused **Viktor DRAGOMANSKI** in relation to the punishment to be meted out namely, **Etienne Scicluna**, Chief Operations Officer at Corradino Correctional Facilities, **Marica Mifsud**, Assistant Registrar of the Criminal Courts and Tribunals, and **Sandra Aloisio**, psychologist practitioner at Corradino Correctional Facilities;

**Having heard** the submissions made by Dr. Joseph Giglio on behalf of the *parte civile* families, with reference to the punishment to be meted out to both accused, whereby he sustained that the said punishment should be one of life imprisonment with solitary confinement. Dr. Giglio argued that the jury's verdict was clear not merely in respect of accused **Daniel MUKA** but also in respect of accused **Viktor DRAGOMANSKI**, who has been found guilty as co-principal, and not as accomplice, in the crime of theft accompanied by wilful homicide, with the jurors thereby having accepted the Prosecution's thesis that the target of the perpetrators had been the gold worn by the two victims, the plan thus being to enter into the residence merely when they were certain that its occupants were inside. Dr. Giglio referred to the charge in the THIRTEENTH COUNT of the Bill of Indictment, of which **Viktor DRAGOMANSKI** has been found guilty, and in respect of which the law provides a punishment of imprisonment, thus arguing that Article 17(a) of the Criminal Code should apply in this case, rendering the punishment of solitary confinement equally applicable in respect of the said accused **DRAGOMANSKI**. Dr. Giglio for the *parte civile* families further argued that the co-accused Jesper Gejl Kristiansen has been condemned to a punishment of forty years imprisonment, following a sentence-bargaining exercise with the Attorney General, with the latter therefore accepting his criminal responsibility without wasting the Court's time. On the contrary, argued Dr. Giglio, **Viktor DRAGOMANSKI** should not benefit from any such reduction in punishment. Dr. Giglio further argued that this was a cold-blooded homicide, which left not one, but two persons dead, where the accused **Daniel MUKA** paved the way for the other co-perpetrators, who then proceeded to finish

the job. According to Dr. Giglio, **Viktor DRAGOMANSKI** had no qualms in stealing gold from the victims' corpses and despite the heinous nature of the crime committed, the accused have never shown any remorse for their actions. In addition, it has been shown that **Viktor DRAGOMANSKI** has faced disciplinary proceedings whilst in prison under preventive custody. Not only did this crime shake and shock the Maltese social fabric in view of its ruthlessness, but it took away the lives of two persons for none other than greed. Christian Pandolfino and Ivor Piotr Maciejowski were not the only victims in this case; they were sons to their parents, brothers to their siblings and friends to many. The crimes of which the accused were found guilty ended not only the victims' lives but shattered also the lives of many others. Dr. Giglio argued that a sentence of life imprisonment will send a strong message to society, and will bring closure, arguing that it is thus the duty of this Court to deliver no less, to both accused, than a sentence of life imprisonment with solitary confinement;

**Having heard** the submissions made by the Attorney General in respect of the punishment to be meted out to both accused, whereby the said Attorney General concurred with Dr. Joseph Giglio. In respect of the accused **Viktor DRAGOMANSKI**, the Attorney General argued that notwithstanding the jury's verdict with regards to the TWELFTH COUNT of the Bill of Indictment, and the provisions of Article 492(2) of the Criminal Code, it is within the Court's discretion to sentence the accused to life imprisonment. According to the Attorney General, both accused should be sentenced to life imprisonment with solitary confinement, particularly since this case concerns the loss of two lives, with the Court thus sending a strong message of deterrence and that violence, in any form, is not to be tolerated. The Attorney General argued that none of the accused showed any signs of remorse following the fact, but instead left the targeted residence together, and together proceeded to **DRAGOMANSKI's** residence to share the spoils, having agreed as to the means that led to the fatal consequences;

**Having heard** Dr. Josette Sultana, legal aid counsel for the accused **Daniel MUKA**, declaring that the said accused had instructed her not to speak on his behalf;

**Having further heard** the submissions made by Dr. Jose' Herrera for the accused **Viktor DRAGOMANSKI**, who argued that from the testimonies of the

witnesses called by the accused, it does not result that he is uncontrollable, or that he does not abide by the rules, nor that he is not making an effort in the situation he is in, for indeed, his work at the gym at the Corradino Correctional Facility indicates that he has been given an important role within the said Facility, and thus that he is trustworthy. He argued that **DRAGOMANSKI** has merely been involved in four minor incidents throughout the time he has spent in prison under preventive custody, which incidents were insignificant, and that indeed he has been described by Mr. Scicluna as not being a troublemaker. Dr. Herrera argued that the accused's remorse has been proved throughout the whole trial; he has not shown any disrespect to the Court and has subjected himself to the judicial process. Furthermore, he had cooperated with the Police at the investigative stage, admitting his involvement in the crime, and had immediately expressed his fury at the co-accused **Daniel MUKA** for having killed the two victims. Dr. Herrera further argued that because Jesper Gejl Kristiansen admitted to his involvement in the crimes and was sentenced to forty years imprisonment, did in no way mean that the accused **DRAGOMANSKI** should be punished more severely on account of not having registered a guilty plea in these proceedings. Indeed, Kristiansen's involvement in the crime had been greater, as clear from the evidence adduced, and has also been found guilty of the charge of complicity in the crime of wilful homicide; a charge of which accused **Viktor DRAGOMANSKI** has not been found guilty. In this case, **DRAGOMANSKI** had not wasted the Court's time and resources as he has indeed not been found guilty by the jury of this latter charge. Furthermore, argued Dr. Herrera, the fact that the jury had found the accused not guilty of the charge in the ELEVENTH COUNT but found him guilty of the charge in the TWELFTH COUNT was contradictory, and that although neither the Prosecution nor the Court had misdirected the jurors in this regard, this should nonetheless be taken into consideration. The 6-3 verdict in respect of the TWELFTH COUNT was the least that the jury could reach; a factor which must weigh heavily in the Court's deliberations on the punishment to be meted out. According to Dr. Herrera, his client, having been the least involved in the crimes in issue, should not be rewarded with the same punishment as his co-accused and that Kristiansen's greater involvement in the said crime, including by having recruited **DRAGOMANSKI**, and having been involved in the preparatory stages leading to the crime, should benefit **DRAGOMANSKI**. Dr. Herrera then referred to the jurisprudence of the Court of Criminal Appeal in respect of punishments inflicted in various scenarios, in relation to the crimes in issue.



### **Considers that:**

First, as regards the accused **Daniel MUKA**, the Court cannot but take into consideration the heinous nature of the crimes committed by the accused, the callous mode in which he proceeded to the execution of the two victims, themselves unarmed, shooting at Christian PANDOLFINO, not once or twice to maim him, but five times, aiming towards vital parts of his body, with the specific intent to kill him, causing his rapid death. As for the second victim, Ivor Piotr MACIEJOWSKI, the accused shot him once in the forehead, aiming specifically at killing him instantly, and indeed causing his instantaneous death. The Court further considers that **Daniel MUKA** committed the crime of wilful homicide in a premeditated manner, in full knowledge that the inhabitants of the targeted residence consisted of two males, and proceeded to the said residence armed with a firearm, which he used within a few seconds upon entering the same and encountering Christian PANDOLFINO. The Court also considers that following his merciless killing of the two victims, he proceeded with his plan to steal the victim's gold, including some of the gold that the victims were wearing, and shared some of the spoils with his co-perpetrators. **Daniel MUKA** has shown absolutely no remorse or repentance for the crimes committed, his cooperation with the Police at the investigation stage having been only partial, intended solely to procure himself with an advantage over his co-accused, in terms of the eventual punishment to be meted out against him. Indeed, during his statements to the Executive Police, **Daniel MUKA** not only attempted to divest himself of any involvement in the crimes at hand, but later upon being confronted with irrefutable evidence, provided the Investigating Officer, ex-Superintendent James Grech, with an untruthful version of the events that unfolded that night, pointing at **Viktor DRAGOMANSKI** as having been the principal who had shot the two victims. It is the Court's view that the crimes committed by **Daniel MUKA** must be punished to the full extent imposed by law, and indeed, in view of the unanimous vote reached by the jury on all counts in the Bill of Indictment brought against him, it is obliged to mete out the punishment of life imprisonment, in terms of Article 492(2) of the Criminal Code.

Furthermore, Article 17(a) of the Criminal Code states that:

In the case of concurrent offences and punishments, the following provisions shall apply:

- (a) a person guilty of more than one crime liable to punishments restrictive of personal liberty, one of which is for life, shall be sentenced to this punishment with the addition of solitary confinement

In this case, the Court notes that **Daniel MUKA** has indeed been found guilty of more than one crime liable to punishments restrictive of personal liberty, some of which crimes, as the crimes in the FIFTH COUNT, in the SIXTH COUNT and in the TENTH COUNT of the Bill of Indictment, were not entirely designed for the commission of the offence in the SECOND COUNT of the Bill of Indictment in terms of Article 17(h) of the Criminal Code, and thus, it deems that by application of Article 17(a) of the Criminal Code, **Daniel MUKA** should be sentenced to life imprisonment with the addition of solitary confinement.

Secondly, as regards the accused **Viktor DRAGOMANSKI**, notwithstanding the *parte civile*'s and Attorney General's arguments to this effect, the Court does not deem that **DRAGOMANSKI**'s punishment should be equivalent to that meted out to the accused **Daniel MUKA**. The Court agrees with the *parte civile* and the Attorney General in that although **DRAGOMANSKI** has not been found guilty of the crime in the ELEVENTH COUNT, namely that of complicity in the crime of wilful homicide, the crime of which he has been found guilty as co-principal – namely that of theft accompanied with wilful homicide - is of the same heinous nature as that of which **Daniel MUKA** has been found guilty in the FIRST COUNT, and indeed in terms of Article 272 of the Criminal Code, is punishable by life imprisonment.

As was held in the case **Ir-Repubblika ta' Malta vs Joseph Zammit**, decided by the Court of Criminal Appeal on 20<sup>th</sup> January 2011:

*Fil-kaz in ezami l-appellant kien jaf li se tintuza arma. M'hemm l-ebda prova li oggezzjona għall-uzu tagħha. Jgħid li qallhom biex ma jisparawx izda ma jirrizultax illi qallhom x'għandu jsir biex ma jisparawx, ez. Biex l-arma tkun skargata jew tkun fuq is-safety lock. Lanqas ma jirrizulta li oggezzjona li shabu jmorru armati. Is-serq aggravat sehh a pjena konoxxenza ta' l-appellant. Li shabu kienu sejrin armati kien jaf. Mhix haga insolita li f'hold-up l-arma tintuza u mhux l-ewwel darba li f'hold-up inqatlet xi persuna minhabba li l-hallelin kienu armati. Jigifieri dak li sehh*

*kien “a natural and foreseeable consequence” tal-mezz użat mill-hallelin. [emphasis of that Court]*

In that case, cited by defence counsel to **Viktor DRAGOMANSKI**, the victim was one, and the appellant was condemned to the punishment of thirty-one (31) years and six (6) months imprisonment, having been found guilty *inter alia* by a verdict of seven (7) votes in favour and two (2) votes against, of complicity in the crime of wilful homicide and by a verdict of seven (7) votes in favour and two (2) votes against, of complicity in the crime of theft accompanied by wilful homicide and confinement of the person, aggravated by violence and means, with the former crime having been absorbed in the latter, and thus no punishment having been rewarded regarding the same.

The Court has also taken note of other judgements cited by **Viktor DRAGOMANSKI**'s defence counsel, namely, **Ir-Repubblika ta' Malta vs Ivan Cauchi**, delivered by the Court of Criminal Appeal on 12<sup>th</sup> November 2009, **Ir-Repubblika ta' Malta vs Ibrahim Ramadan Ghamber Shnishah** delivered by the Court of Criminal Appeal on 7<sup>th</sup> May 2009, and **Ir-Repubblika ta' Malta vs Joseph Grech, Kurt Grech** delivered by the Criminal Court on 10<sup>th</sup> March 2025, and the considerations made by the said Courts about the punishment to be inflicted, noting further that the victims in those cases were always one.

The Court notes that although defence counsel for **Viktor DRAGOMANSKI** argues that the punishment to be meted out to the said **DRAGOMANSKI** should be lesser than the punishment meted out to the co-accused Jesper Gejl Kristiansen, who has been condemned to forty years imprisonment, in view of the crimes of which the latter has been found guilty and his greater involvement in this case, the punishment applicable for the crime in the TWELFTH COUNT of the Bill of Indictment of which **DRAGOMANSKI** has been found guilty is that of life imprisonment, irrespective of the fact that he has not been found guilty of complicity in the crime of wilful homicide, apart from the fact that for the purpose of the punishment inflicted on Kristiansen, most of the crimes of which Kristiansen has been found guilty and with which **DRAGOMANSKI** has not been charged (or not found guilty), were absorbed in the crime of theft accompanied by wilful homicide and aggravated by violence, means, amount, place and time (the SECOND COUNT in the Bill of Indictment in the case against Kristiansen and the TWELFTH COUNT in the Bill of Indictment in the present

case against **DRAGOMANSKI**). As to **VIKTOR DRAGOMANSKI**'s involvement in the crime in issue, this was deemed sufficient by the jury to conclude beyond a reasonable doubt that he was guilty as co-principal of the crime in the TWELFTH COUNT of the Bill of Indictment.

The Court cannot also but consider that Jesper Gejl Kristiansen was condemned to forty years imprisonment after having reached a sentence-bargaining agreement with the Attorney General and declared himself guilty of the charges brought against him before the constitution of the jury. It is the law itself, in Article 492(1) of the Criminal Code, which in such instances, provides the Court with the discretion to mete out, instead of the punishment of imprisonment for life, the punishment of imprisonment for a term from twelve to forty years. His guilty plea in turn led to Kristiansen's admissibility as a witness in the trial against **MUKA** and **DRAGOMANSKI**.

On the other hand, the Court deems that it cannot ignore the jury's verdict in finding the accused **Viktor DRAGOMANSKI** guilty of the crime in the TWELFTH COUNT of the Bill of Indictment, namely that of six (6) votes in favour and three (3) votes against, this being the lowest verdict possible that the jury could reach. The Court deems that despite having the discretion to mete out a sentence of life imprisonment also in respect of the said accused, in this case, it would be clearly ignoring the jury's verdict, as well as other circumstances resulting from the evidence adduced, where it to mete out a sentence of life imprisonment, including the fact that **Viktor DRAGOMANSKI** cooperated fully with the Police after having been apprehended, detailed his involvement in the crimes in issue and going so far as to provide information, which the Police would very likely not have discovered had it not been for his declarations. The Court further considers that the infractions of **Viktor DRAGOMANSKI** during his time in prison, since his arrest in August 2020, may be deemed as minor infractions, the said accused having been described as mainly cooperative with Prison Officers since his time under preventive custody.

The Court further considers that the crime in the THIRTEENTH COUNT of the Bill of Indictment is punishable with a term of imprisonment not exceeding six (6) months or a fine (*multa*) not exceeding one thousand and two hundred euro (€1,200) or to both such term not exceeding six (6) months and fine (*multa*). Considering the circumstances of the case, and that the offence in the said

COUNT was not merely designed for the commission of the crime in the TWELFTH COUNT, as it was committed also following the commission of the said crime, the provisions of Article 17(b) of the Criminal Code apply in this respect.

Thus, the Court having seen Articles 9, 17(a)(b)(h), 18, 31, 64, 86, 87(1)(c)(e), 211(1),(2), 261(a)(b)(c)(e)(f)(g), 262(1)(a)(b), 263(a)(b), 264(1), 267, 269(g), 270, 271(g), 272, 278, 279(b), 280, 281(a)(b), 334(a), 533 and 579(2) of the Criminal Code, Articles 2, 5, 51(2), 55, 56 and 57 of the Arms Act, Chapter 480 of the Laws of Malta and Article 15(1A) of the Traffic Regulation Act, Chapter 65 of the Laws of Malta, condemns **Daniel MUKA** to imprisonment for life with six (6) terms of solitary confinement.

In terms of Article 579(2) of the Criminal Code, and considering the gravity of the offence, orders, in respect of **Daniel MUKA**, that the sum of ten thousand euro (€10,000), representing the deposit stated in the bail bond in terms of the decree of this Court, as differently presided, in the names ‘The Police (Inspector Mark Mercieca, Inspector James Grech) vs Daniel Muka’, dated 24<sup>th</sup> July 2019, be forfeited to the Government of Malta. The Court here notes that although, in terms of the said decree, the bail bond consisted of a personal guarantee of ten thousand euro (€10,000) and a deposit of the same amount, in the Bill of Indictment, the Attorney General has only requested that the “*sum of ten thousand euros (€10,000) stated in the bail bond be forfeited in full or in part to the Government of Malta*”, and thus, the Court will limit itself to the forfeiture of the deposit of ten thousand euro (€10,000) in full, as above stated. The Court further notes that the Attorney General has not requested, in terms of Article 579(3) of the Criminal Code, the revocation of bail and the re-arrest of **Daniel MUKA** and thus, it will not make any order in this regard.

In terms of Article 56 of the Arms Act, Chapter 480 of the Laws of Malta, orders the forfeiture of the semi-automatic pistol make Glock model 17 Gen 4 chambered in 9x19mm with serial number BLEH754 and the ammunition consisting of eleven (11) rounds, to the Government of Malta. For all intents and purposes, the Court prohibits **Daniel MUKA** from holding a license under the said Act for the maximum period of five (5) years contemplated in Article 57 thereof.

Furthermore, condemns the said **Daniel MUKA** to pay to the Registrar, the costs incurred in connection with the employment of experts in the proceedings, including such experts as have been appointed in the examination of the process verbal of the inquiry, namely, one-third of the costs incurred in connection with the appointment of PC 415 Randle Gili, which share amounts to the sum of thirty-nine euro and thirty cents (€39.30)<sup>1</sup>, one-third of the costs incurred in connection with the appointment of Dr. Ali Sarfraz and Dr. Tiffany Buhagiar, which share amounts to the sum of five hundred, eighty-two euro and fifty-seven cents (€582.57)<sup>2</sup>, one-third of the costs incurred in connection with the appointment of Architect Nicholas Mallia, which share amounts to the sum of two hundred, sixty-nine euro and eight cents (€269.08)<sup>3</sup>, one-third of the costs incurred in connection with the appointment of Dr. Mario Scerri, which share amounts to the sum of one thousand, five hundred and twenty-nine euro and eighty-seven cents (€1,529.87)<sup>4</sup>, one-third of the costs incurred in connection with the appointment of Dr. Martin Bajada, which share amounts to the sum of four thousand, two hundred and fifty-five euro and forty cents (€4,255.40)<sup>5</sup>, one-third of the costs incurred in connection with the appointment of PS 1147 Anton Fenech and WPC 140 Christy Cremona, which share amounts to the sum of four hundred and ninety euro and thirteen cents (€490.13)<sup>6</sup>, one-third of the costs incurred in connection with the appointment of PC 1525 Patrick Farrugia, which share amounts to the sum of one hundred, fifty-three euro and eighty-five cents (€153.85)<sup>7</sup>, one-third of the costs incurred in connection with the appointment of WPS 293 Michelle Camilleri, PS 1331 Darren Debattista and PS 1111 Braden Borg, which share amounts to the sum of nine hundred, and ninety euro and forty-two cents

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<sup>1</sup> The total cost in connection with the appointment of the said expert amounts to one hundred and seventeen euro and ninety cents (€117.90). *Vide* a fol. 508 of the records of the proceedings against Daniel MUKA.

<sup>2</sup> The total cost in connection with the appointment of the said experts amounts to one thousand, seven hundred, forty-seven euro and seventy cents (€1747.70). *Vide* a fol. 516 of the records of the proceedings against Daniel MUKA.

<sup>3</sup> *Vide* a fol. 744 of the records of the proceedings against Viktor DRAGOMANSKI. The total cost incurred in connection with appointment of the said expert amounts to eight hundred and seven euro and twenty-four cents (€807.24).

<sup>4</sup> *Vide* a fol. 459 of the records of the proceedings against Viktor DRAGOMANSKI. The total cost incurred in connection with the appointment of the said expert amounts to four thousand, five hundred and eight-nine euro and sixty cents (€4,589.60).

<sup>5</sup> The total cost incurred in connection with the appointment of the said expert amounts to twelve thousand, seven hundred, sixty-six euro and twenty cents (€12,766.20). *Vide* a fol. 1055 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>6</sup> The total cost incurred in connection with the appointment of the said experts amounts to one thousand, four hundred and seventy euro and forty cents (€1470.40). *Vide* a fol. 1302 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>7</sup> The total cost incurred in connection with the appointment of the said expert amounts to four hundred and sixty-one euro and fifty-four cents (€461.54). *Vide* a fol. 1230 of the records of the proceedings against Viktor DRAGOMANSKI.

(€990.42)<sup>8</sup>, one-third of the costs incurred in connection with the appointment of Dr. Marisa Cassar, which share amounts to the sum of fifteen thousand, thirty-three euro and twenty cents (€15,033.20)<sup>9</sup>, one-third of the costs incurred in connection with the appointment of Vincent Ciliberti, which share amounts to the sum of four hundred, seventy-two euro and ninety cents (€472.90)<sup>10</sup>, and one-third of the costs incurred in connection with the appointment of Francesco Zampa, which share amounts to the sum of four hundred and thirty euro and eighty-three cents (€430.83)<sup>11</sup>. Thus, **Daniel MUKA** shall pay the sum of twenty-four thousand, two hundred forty-seven euro and fifty-five cents (€24,247.55).

Additionally, the Court notes that the costs incurred in connection with the appointment of expert Joseph Mallia and the report drawn up by the said expert in respect of **Daniel MUKA** do not result from the records of the proceedings against **MUKA**. Thus, the Court orders the Registrar of the Criminal Courts and Tribunals to determine the sum of the said costs, which shall be payable by **Daniel MUKA** (in addition to the sum of twenty-four thousand, two hundred forty-seven euro and fifty-five cents (€24,247.55)).

Should **Daniel MUKA** fail to pay the said expenses within three (3) years from the date of this judgement, the said expenses shall be converted into a term of imprisonment according to law.

Furthermore, the Court having seen Articles 17(b), 31, 261(a)(b)(c)(e)(f), 262(1)(a)(b), 263(a)(b), 264(1), 267, 269(g), 270, 272, 278, 279(b), 280, 281(a)(b) and 533 of the Criminal Code and Article 15(1A) of the Traffic Regulation Act, Chapter 65 of the Laws of Malta, condemns **Viktor**

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<sup>8</sup> The total cost incurred in connection with the appointment of the said experts amounts to two thousand, nine hundred and seventy-one euro and twenty-six cents (€2,971.26). *Vide* a fol. 1363 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>9</sup> *Vide* report a fol. 1039 of the records in the proceedings against Viktor DRAGOMANSKI. The total cost incurred in connection with the report drawn up by the said expert amounts to forty-five thousand, ninety-nine euro and sixty cents (€45,099.60).

<sup>10</sup> The total cost incurred in connection with the appointment of the said expert amounts to one thousand, four hundred and eighteen euro and seventy-one cents (€1418.71). *Vide* a fol. 529 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>11</sup> The total cost incurred in connection with the appointment of the said expert amounts to one thousand, two hundred and ninety-two euro and forty-nine cents (€1,292.49). *Vide* a fol. 1925 of the records of the proceedings against Viktor DRAGOMANSKI. The Court is not allocating to the persons sentenced the expenses incurred in connection with the additional report drawn up by the said expert Francesco Zampa, whereby he provided the value of the gold at the time of the offence. It is the Court's view that Mr. Zampa should have been directed to provide such an evaluation, immediately, upon his original appointment.

**DRAGOMANSKI** to imprisonment for a term of forty years, from which term one must deduct the period of time, during which the said **DRAGOMANSKI** has been kept in preventive custody, in connection with the present case.

Furthermore, condemns the said **Viktor DRAGOMANSKI** to pay to the Registrar, the costs incurred in connection with the employment of experts in the proceedings, including such experts as have been appointed in the examination of the process verbal of the inquiry, namely, one-third of the costs incurred in connection with the appointment of PC 415 Randle Gili, which share amounts to the sum of thirty-nine euro and thirty cents (€39.30)<sup>12</sup>, one-third of the costs incurred in connection with the appointment of Dr. Ali Sarfraz and Dr. Tiffany Buhagiar, which share amounts to the sum of five hundred, eighty-two euro and fifty-seven cents (€582.57)<sup>13</sup>, one-third of the costs incurred in connection with the appointment of Architect Nicholas Mallia, which share amounts to the sum of two hundred, sixty-nine euro and eight cents (€269.08)<sup>14</sup>, one-third of the costs incurred in connection with the appointment of Dr. Mario Scerri, which share amounts to the sum of one thousand, five hundred and twenty-nine euro and eighty-seven cents (€1,529.87)<sup>15</sup>, one-third of the costs incurred in connection with the appointment of Dr. Martin Bajada, which share amounts to the sum of four thousand, two hundred and fifty-five euro and forty cents (€4,255.40)<sup>16</sup>, one-third of the costs incurred in connection with the appointment of PS 1147 Anton Fenech and WPC 140 Christy Cremona, which share amounts to the sum of four hundred and ninety euro and thirteen cents (€490.13)<sup>17</sup>, one-third of the costs incurred in connection with the appointment of PC 1525 Patrick Farrugia, which share amounts to the sum of one hundred, fifty-three euro and eighty-five cents

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<sup>12</sup> The total cost in connection with the appointment of the said expert amounts to one hundred and seventeen euro and ninety cents (€117.90). *Vide* a fol. 204 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>13</sup> The total cost in connection with the appointment of the said experts amounts to one thousand, seven hundred, forty-seven euro and seventy cents (€1747.70). *Vide* a fol. 287/308 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>14</sup> *Vide* a fol. 744 of the records of the proceedings against Viktor DRAGOMANSKI. The total cost incurred in connection with appointment of the said expert amounts to eight hundred and seven euro and twenty-four cents (€807.24).

<sup>15</sup> *Vide* a fol. 459 of the records of the proceedings against Viktor DRAGOMANSKI. The total cost incurred in connection with the appointment of the said expert amounts to four thousand, five hundred and eight-nine euro and sixty cents (€4,589.60).

<sup>16</sup> The total cost incurred in connection with the appointment of the said expert amounts to twelve thousand, seven hundred, sixty-six euro and twenty cents (€12,766.20). *Vide* a fol. 1055 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>17</sup> The total cost incurred in connection with the appointment of the said experts amounts to one thousand, four hundred and seventy euro and forty cents (€1470.40). *Vide* a fol. 1302 of the records of the proceedings against Viktor DRAGOMANSKI.



(€153.85)<sup>18</sup>, one-third of the costs incurred in connection with the appointment of WPS 293 Michelle Camilleri, PS 1331 Darren Debattista and PS 1111 Braden Borg, which share amounts to the sum of nine hundred, and ninety euro and forty-two cents (€990.42)<sup>19</sup>, one-third of the costs incurred in connection with the appointment of Dr. Marisa Cassar, which share amounts to the sum of fifteen thousand, thirty-three euro and twenty cents (€15,033.20)<sup>20</sup>, one-third of the costs incurred in connection with the appointment of Vincent Ciliberti, which share amounts to the sum of four hundred, seventy-two euro and ninety cents (€472.90)<sup>21</sup>, one-third of the costs incurred in connection with the appointment of Francesco Zampa, which share amounts to the sum of four hundred and thirty euro and eighty-three cents (€430.83)<sup>22</sup>, and the cost incurred in connection with the appointment of Joseph Mallia, amounting to the sum of one thousand, three hundred and sixty-four euro and thirty-eight cents (€1,364.38)<sup>23</sup>. Thus, the total costs payable by **Viktor DRAGOMANSKI** amount to twenty-five thousand, six hundred and eleven euro and ninety-three cents (€25,611.93).

Should **Viktor DRAGOMANSKI** fail to pay the said expenses within three (3) years from the date of this judgement, the said expenses shall be converted into a term of imprisonment according to law.

In terms of Article 23 of the Criminal Code, orders the forfeiture of the instruments used or intended to be used in the commission of the crime and of anything obtained by such crime, save for the property over which third parties have a claim, namely the Volkswagen Tiguan (originally with number plates CRS

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<sup>18</sup> The total cost incurred in connection with the appointment of the said expert amounts to four hundred and sixty-one euro and fifty-four cents (€461.54). *Vide* a fol. 1230 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>19</sup> The total cost incurred in connection with the appointment of the said experts amounts to two thousand, nine hundred and seventy-one euro and twenty-six cents (€2,971.26). *Vide* a fol. 1363 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>20</sup> *Vide* report a fol. 1039 of the records in the proceedings against Viktor DRAGOMANSKI. The total cost incurred in connection with the report drawn up by the said expert amounts to forty-five thousand, ninety-nine euro and sixty cents (€45,099.60).

<sup>21</sup> The total cost incurred in connection with the appointment of the said expert amounts to one thousand, four hundred and eighteen euro and seventy-one cents (€1418.71). *Vide* a fol. 529 of the records of the proceedings against Viktor DRAGOMANSKI.

<sup>22</sup> The total cost incurred in connection with the appointment of the said expert amounts to one thousand, two hundred and ninety-two euro and forty-nine cents (€1,292.49). *Vide* a fol. 1925 of the records of the proceedings against Viktor DRAGOMANSKI. The Court is not allocating to the persons sentenced the expenses incurred in connection with the additional report drawn up by the said expert Francesco Zampa, whereby he provided the value of the gold at the time of the offence. It is the Court's view that Mr. Zampa should have been directed to provide such an evaluation, immediately, upon his original appointment.

<sup>23</sup> *Vide* report a fol. 1258 of the records of the proceedings against Viktor DRAGOMANSKI.

240) registered in the name of Christine Fava, and the gold necklace and pendant found in possession of **Daniel MUKA**<sup>24</sup>.

**Natasha Galea Sciberras**  
**Judge**

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<sup>24</sup> *Vide* Doc. JG 14 exhibited in the records of the proceedings against Daniel Muka.