



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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 5 th July, 2013

Number. 95/2002

**The Police
(Inspector Mario Bonello)
(Superintendent Carmelo Bartolo)**

vs

RAIMONDO VALERIO CORRADI

The Court,

Having seen that the accused **RAIMONDO VALERIO CORRADI**, of 35 years, son of Valerio and Luana nee' Briffa, born in the United Kingdom on the 15th May, 1966, residing at Flat 2, "Betty's Court", Triq il-Gwielaq, Swieqi, holder of the ID card bearing the number 18172(A), was arraigned before her accused at the instance of the Comptroller of Customs and the Commissioner for Value Added Tax for having on the 31st August 2000 and/or on some date before, knowingly disposed of vehicle, make

Informal Copy of Judgement

BMW, bearing foreign registration number 445699, without the required authority of the Comptroller of Customs;

The afore mentioned vehicle was imported into Malta by the same Raimondo Valerio Corradi on the 16th June 2000 on temporary importation basis against Customs Document TIT5568/99. The vehicle was subsequently released to him by Customs under the provisions stipulated in the Import Duties Act;

And also with having on the 16th June 2000 upon your arrival in Malta together with the afore mentioned vehicle with the MV Eid Travel, in order to gain any advantage or benefit for yourself or for others, with the intent to evade the duty thereon and/or of any other taxes due and/or also to evade any prohibition or restriction applicable, to the detriment of the Government of Malta, knowingly, misled the Customs Officials, in their official capacity of a Public Authority, when you made a declaration and/or furnished a document and/or information which in a certain manner were false in a material particular;

And with having on the 16th June 2000 and the period thereafter, knowingly, had in his possession, and/or was otherwise concerned in keeping under his control vehicle make BMW bearing the foreign registration number 445699, in breach of the provisions of the Customs Ordinance;

And also with having during the same period of time and circumstances, as the person responsible of the vehicle, knowingly failed to make a proper entry (declaration) to the Customs Authorities, with regard to this vehicle, within the time stipulated in terms of the Import Duties Act.

And also with having on the 16th June 2000 and the months thereafter knowingly had in his possession or under his control a vehicle, with respect to which the import duties, and/or the Value Added Tax due were not first paid and/or secured and the importation of which is prohibited and/or restricted.

This vehicle has a value of ten thousand Maltese Lira (Lm10,000) Import Duty none and one thousand five hundred (Lm1500) Value Added Tax.

And also with having on these islands, during the night between the 30th and 31st August 2000 permitted Paul Caruana of Madliena to drive vehicle make BMW bearing foreign registration number 445699 without being duly covered by a policy of Insurance against third party risks.

And also with having, on these islands, on the same date and in the same circumstances, knowingly suppressed, or in any other manner destroyed or altered the traces of, or any circumstantial evidence relating to an offence which offence is a crime liable to a punishment not less than that of imprisonment for a term of one year;

And also with having on these islands on the same date and in the same circumstances, laid before the Executive Police any information regarding an offence knowing that such offence had not been committed, or falsely devised the traces of an offence in such a manner that criminal proceedings could be instituted for the ascertainment of such offence;

And also with having on these islands during the period between the 30th August 2000 and the preceding months, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event made gain which exceeds the sum of five hundred Malta Liri to the detriment of the dirigents of the insurance company "Fogg Insurance";

And also with having on these islands during the same period of time and circumstances, made to the prejudice of any other person, namely the insurance company

“Fogg Insurance” any other fraudulent gain which exceeds the sum of five hundred Malta Liri to the detriment of the dirigents of the insurance company “Fogg Insurance”;

And also with having on these islands, on the same date and in the same circumstances, with intent to mislead the authorities, laid before such authorities any genuine act, affidavit or certificate, falsely representing the same as referring to himself, or to any other person.

The Court is humbly requested that in the case of guilt, apart from inflicting the penalty established according to the Laws of Malta orders that one third of the pecuniary penalty be deemed as a Civil debt and be declared as being so owed and payable to the Government and shall be executable in the same Court pronouncing judgement in the same manner as if it had been given in a civil action duly instituted between the Government and the convicted person.

The Court was also humbly requested that in the case of guilt orders the suspension of all the driving licences of the accused for that period of time that the Court deems appropriate.

The Court having seen all the relevant documents exhibited by the Prosecution.

Having heard all the evidence brought forward by the same Prosecution.

The Court heard the accused plead guilty to all charges brought forward against him by the Prosecution and this in the sitting of the 27th June 2013.

The Court explained to the accused, in the presence of his lawyer Dr Joseph Mizzi, the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court heard the Prosecuting Officer declare that although the accused imported the vehicle of make BMW with foreign registration number plate 445699 as described in the letter dated 15th May 2001 exhibited in these proceedings marked CB5 (fol 15) issued by the Ministry of Finance was not actually for his use but for the use of Paul Caruana.

The Court also took note of the relevant judgement delivered by the Criminal Court of Appeal on the 6th January 2012 against the same Paul Caruana who was found guilty of a number of charges in particular of causing grievous injuries to Fiona Dowling due to the collision which took place on the 31st August 2000 in the Coast Road, Bahar ic-Caghaq.

The Court heard the Prosecuting Officer state that the accused did not act in malice but due to the circumstances should still be held responsible for the short comings in his responsibilities.

The Court notes that despite this case was presented in the Registry of this Court on the 4th of February 2002, the Prosecution only declared that it had not further evidence to bring forward on the 23rd April 2013.

However, it also noted that on the 16th of November 2005 this same case was adjourned Sine Die due to the fact that the Prosecuting Officer could not notify the accused and it was only on an application filed by the Prosecuting Officer on the 8th February 2013 that this same case was reappointed for hearing for the 19th February of the same year.

Consequently although it appears that this case has been pending before this Court for eleven years, it transpires

from the acts of these proceedings that no progress was registered in this case for a period of eight years when the case was adjourned Sine Die.

With regards to punishment, the Court noted that the accused is indigent, so much so that he was assisted by a legal aid lawyer and consequently does not think that it should condemn the accused to the payment of a fine since such punishment would not be appropriate.

The Court noted that the accused should be considered as a first time offender since it does not transpire that the accused was ever found guilty of any crimes prior to this, and consequently should be treated as a first time offender.

The Court also noted that the Prosecuting Officer was not insisting on the suspension of license of the accused.

Thus the Court, after having seen the relevant Sections at Law, in particular **Sections 295, 308, 309, 310, 110(2), 111(2) and 533 of Chapter 9, Sections 60(a)(e)(l)(j)(k) and 62(a)(b)(c)(e)(f)(g)(h)(l)(k)(m)(n) of Chapter 37, Section 3 of Chapter 104, Sections 18A and 32 of Chapter 337 of the Laws of Malta and Article 80 of Act No. XXIII of 1998, decides to find the accused RAIMONDO VALERIO CORRADI guilty of the charges brought forward against him and in terms of Section 28A of Chapter 9 of the Laws of Malta condemns him to a period of imprisonment of one (1) year suspended for three (3) years.**

The Court also upholds the request of the Prosecution to condemn the accused to pay the expenses of the experts appointed in this case in terms of Section 533 of Chapter 9 of the Laws of Malta and therefore Professor Alfred Vella [Lm94.30], PC 644 and PC 612 [Lm128], AIC Richard Aquilina [Lm84.61], Dr J. Micallef Stafrace [Lm156.97], Joseph Zammit [Lm79.35], Dr Christopher Farrugia [Lm 23.25], Robert Cardona [Lm 22.50] and Dr Vincent Galea [Lm 30.19], with a total of six hundred and

nineteen Maltese Liri and seventeen cents (Lm619.17) equivalent to one thousand, one hundred and forty two Euro and twenty eight cents (€1142.28).

Thus the Court orders that a copy of this judgment is notified to the Director of the Criminal Courts so that he can collect such expenses from the accused.

The Court orders in terms of Section 23 of Chapter 9 of the Laws of Malta the confiscation in favour of the Government of Malta of the vehicle imported into Malta on the 16th of June 2000, such vehicle being BMW, bearing foreign registration number 445699, or of its remains should such car today be a wreck.

< Final Judgement >

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