



**QORTI TAL-MAGISTRATI  
(MALTA) BHALA QORTI TA' GUDIKATURA  
KRIMINALI**

**MAGISTRAT DR.  
ABIGAIL LOFARO**

Seduta tas-16 ta' Dicembru, 2002

Numru. 828/2002

The Police  
(Inspector Ian Joseph Abdilla)  
(Inspector Sandro Zarb)

VS

Antonio Fernando Galvao Falamino and  
Saheed Dele Olanipekun

The Court;

Having seen the charges brought against the two above mentioned defendants whereby there were accused for having on these Island, on the 5<sup>th</sup> October 2002 and the previous days in various parts of Malta, by means of several acts committed by the offenders, even if at different times, which acts constitute violations of the same provisions of the law;

For having forged any schedule, ticket, order or other document whatsoever, upon the presentation of which any payment may be obtained, or any delivery of goods effected, or a deposit or pledge withdrawn from any public officer or from any bank or other public institution established by the Government, or recognised by any public act of the Government, and for having knowingly made use thereof of any of the instruments specified above, and this in breach of Sec. 167 and 169 of Chapter 9 of the Laws of Malta;

For having committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation, or discharge, or by the insertion of any such agreement, disposition, obligation or discharge in any of the said instruments or documents after the formation thereof, or by any addition to or alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove, and for having knowingly made use of any of the false acts, writings, instruments or documents mentioned above, and this in breach of Sec. 183 and 184 of Chapter 9 of the Laws of Malta;

For having gained any advantage or benefit for themselves or others, shall, in any document intended for any public authority, knowingly made a false declaration or statement, or gave false information, and this in breach of Sec. 188 of Chapter 9 of the Laws of Malta;

For having, 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 a gain which accedes LM50 but does not accede LM1,000.00 to the detriment of Bank of Valletta plc, HSBC plc, and other

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persons and entities and this in breach of Sec 18, 308, 309, 310 of Chapter 9 of the Laws of Malta;

For knowingly having received or purchased any property which has been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same, and this in breach of Sec. 334 of Chapter 9 of the Laws of Malta;

For knowingly being in possession of a passport whether issued to them by a competent authority or not, transferred such passport to any other person, or received a passport transferred to them by any other person, and this in violation of Article 3 of Chapter 61 of the Laws of Malta;

For having during the same period, forged, altered or tempered with, or used or had in their possession Passports issued by the United Kingdom of Great Britain and Northern Ireland which they knew to be forged, altered or tempered with and this in violation of Article 5 of Chapter 61 of the Laws of Malta;

The Court is also requested that besides awarding the punishments prescribed by Law, the Court is requested to order the restitution of the items received or obtained by the fraud or other unlawful gain by the offenders as per Section 28 H Chapter 9 of the Laws of Malta, and also declares the above mentioned persons as prohibited immigrants and issues a removal order against them in terms of Section 15 Chapter 217 of the Laws of Malta;

Having seen the Attorney General's consent so that this case be dealt with summarily and having heard both accused reply that they have no objection that their case be heard summarily by this Court;

Having heard all the witnesses, which were produced;

Having seen all the documents which were exhibited and having seen all the acts of the case;

Having heard the Prosecuting Officer withdraw in the first charge the accusation in breach of Section 167 of Chapter 9 and with respect to the second charge having heard the Prosecuting Officer withdraw the accusation in respect of Section 183 of Chapter 9 and having also heard the Prosecuting Officer withdraw the forth charge. Having also heard the defendants, duly assisted by defence council, register a guilty plea to all charges brought against the accused, save the charges which were withdrawn by the Prosecuting Officer.

Considers :

The Court therefore declares the two defendants above mentioned to be guilty of having knowingly made use of any of any of the instruments specified in the first charge brought against them and also declares defendants to be guilty of having knowingly made use of any of the false acts, writings, instruments or documents mentioned in the second charge brought against them, finds defendants above mentioned to be guilty of the third charge brought against them and also of the fifth charge.

The Court also finds defendants guilty of the sixth and seventh charges brought against them and this after the Court saw Sections 169, 184, 188, 334 of Chapter 9 and Sections 3 and 5 of Chapter 61 of the Laws of Malta.

The Court frees defendants above mentioned from the charge of having forged any schedule, ticket, order or other document whatsoever as mentioned in the first charge brought against them, frees defendants from the charge of having committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or altering the writing or signeature, by feigning any fictitious agreement, disposition, obligation, or discharge, or by the insertion of any such agreement, disposition, obligation or discharge as mentioned in the first part of the second charge brought against them and also frees defendants from the forth charge brought against them and this in view of the

fact that the Prosecuting Officer has withdrawn these charges.

Considers :

It has resulted from the evidence produced in Court that on the 3<sup>rd</sup> of October of this year the Police received a complaint from Mr George Bugeja, owner of an Exchange Bureau in Tower Road Sliema whereby he stated that three persons, namely a man and two women had gone separately to the Exchange Bureau to exchange some cash using their credit cards. Mr Bugeja stated that some of these transactions were not effected and he was given a referral in the machine but he noticed that these persons had a lot of credit cards in their possession and therefore he became suspicious and called Bank of Valletta to confirm whether the details which he had regarding these credit cards were correct. Mr. Bugeja informed the Police that these three persons also presented UK driving licences as a means of identification and that the man presented a British passport. When Mr Bugeja contacted the Bank of Valletta he was later informed that one of the credit cards was actually falsified. Bank of Valletta received confirmation from abroad that the card in question actually worked properly but that the name which appeared on the card was not the one which actually belonged to the card holder. On the 3<sup>rd</sup> of October of this year the Police spoke to Mr. Bugeja who handed over some documents to the Police regarding those three persons he had referred to. Inspector Abdilla made some inquiries with Hotel San Gorg in Ball Street, Paceville and he was informed by the receptionist at the Hotel that two of the persons which the Police were looking for were actually staying at the hotel and had arrived in Malta on the 2<sup>nd</sup> October of this year. The next morning the Police called again at the hotel and upon their arrival they saw one of the suspects about to drive away. However the Police later apprehended this person, a certain Mr Vernon. The Police effected a search and found various credit cards, some of which were signed at the bank and others were not, but all bore the name RA Vernon. In the possession of the lady who was with Mr

Vernon, the Police found some credit cards bearing the name PA Smith. The Police continued their investigations and they were later informed by the Bank of Valletta San Gwann branch that three persons had called at the branch to withdraw cash. These persons appeared to be of Nigerian origin and looked very suspicious. The Police arrested these persons who were an English man, a woman who had an English passport and another woman who did not have any credit cards or a passport in her possession. The Police found out through their investigations that in the United Kingdom there is an organisation which makes use of Nigerian persons who are the victims of usury in England and threatens these persons, forcing them to come to Malta, amongst other countries, using a false driving licence with a false name and using this false driving licence as a means of identification at all exchange bureaus around almost all of Europe as the best means of identification for withdrawing cash. This group of persons is conveyed to the airport and taken to a destination. As soon as they arrive at their destination, one of the group leaders would collect the passports so that all the group cannot leave and the person would hand the falsified document to the persons involved. These persons would be asked to go to the exchange bureau and banks to withdraw cash and as soon as they come out from the bank or from the exchange bureau the cash is taken away from them. The two defendants above mentioned were also involved in this whole organisation and when the Police tried to apprehend them they managed to escape. The Police carried out a search in defendant Falamino's room and found a number of credit cards and some other passports in his room. Defendant Saheed co-operated fully with Police during investigations and in fact he gave a detailed statement to the Police wherein he revealed all that had happened and his involvement in these crimes. However Mr Falamino the defendant did not admit his involvement in the crimes and he did not give any information to Police during their investigations. He was totally uncooperative. It also transpired that defendant Falamino was in possession of a mobile phone and also in possession of the passports of several Nigerian persons involved in this

organisation and therefore it has clearly resulted that Mr Falamino's involvement in these crimes is by far greater than that of defendant Saheed. It also resulted to Police from their investigations that it was defendant Falamino who brought the false credit cards over to Malta. It also resulted to the Police during their investigations that defendant Saheed made no gain whatsoever out of these crimes, and that however the money made in the other cases was collected by Falamino and by another person and this further strengthens the Court's decision to apply a far lesser punishment to defendant Saheed than to defendant Falamino, who was far more involved in these crimes, who did not co-operate with Police and who also made personal gain to himself from these crimes. It also resulted that it was defendant Falamino who paid for the hotel rooms for all the persons involved.

Considers that in respect of defendant Saheed Dele Olanipekun this person co-operated with Police. He was the victim of usury himself in the United Kingdom. He was forced to come over to Malta and to commit the crimes in question and his passport was forcibly taken away from him so that he could not escape from this situation and therefore the Court, having also seen Section 17 and Section 28A of Chapter 9 condemns this defendant Saheed Dele Olanipekun to imprisonment for a term of eighteen months which is being suspended for a term of three years from today.

The Court declares that it has explained to this defendant in ordinary language his liability under Section 28 B if during the operational period he commits an offence punishable with imprisonment.

The Court declares defendant Saheed Dele Olanipekun to be a prohibited immigrant and orders his immediate removal from these Islands, after having also seen Section 15 of Chapter 217 of the Laws of Malta.

Considers, with respect to the defendant Antonio Fernando Galvao Falamino, that this person had a far greater role to play in the commission of these crimes

than the other defendant. It also considered the fact that he made personal gain out of these crimes and that he took away the passports of the other persons involved in this case, paid for their hotel rooms, and he was the person who actually brought the falsified credit cards over to Malta. However, due of the fact that he has registered a guilty plea and that he himself is also a victim of usury, the Court, after having seen Section 21 of Chapter 9, is about to apply a lesser punishment than that stipulated by law. Therefore after having also seen Section 17 of Chapter 9 condemns defendant Antonio Fernando Galvao Falamino to a term of imprisonment of twelve months from which period there is to be deducted the period which this defendant has spent in preventive custody.

The Court declares Antonio Fernando Galvao Falamino to be a prohibited immigrant and orders his removal from these islands, after he serves his time in prison.

The Court further orders that the mobile phone, the piece of paper and all the cash seized by the police in respect of these crimes are to be forfeited in favour of the Government of Malta.

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