



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

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

Sitting of the 2<sup>nd</sup> June, 2010

Number. 104/2010

**The Police**

**Inspector Ian Joseph Abdilla**

**Vs**

**GIRTS LUSITIS,  
KRISTINE AKMENE,  
OSKARS STRAUME and  
EDGARS KOZLOVSKIS**

**Sitting held today, 2<sup>nd</sup> June 2010.**

**The Court**

Having seen that the accused **GIRTS LUSITIS**, twenty one years old, Latvian national born in Ergli, Latvia on the 26<sup>th</sup> November 1988, son of Maris and Zaiga nee' Aumeistere, residing in Erglu pag, Cesu Kajo, Vecpubalga, Piebaldzeni Str. 15, Latvia, holder of Latvian Passport bearing number LV3325097, issued by PNL P Cesu Nodala on the 28<sup>th</sup> October 2008; **KRISTINE AKMENE**, twenty years old, Latvian national born in Aizkraukle, Latvia on the 22<sup>nd</sup> October 1989, daughter of Alekandros and Viktorija nee' k/a, residing in Kalmes, Madonas Raj, Latvia, holder of Latvian Passport bearing number LV3108971, issued by Madonas Pasu Dala on the 11<sup>th</sup> April 2008, **OSKARS STRAUME**, twenty one years old, Latvian national born in Ventspils, Latvia on the 13<sup>th</sup> July, 1988, son of Armands and Maruta nee' Milberga, residing in Kuldigas Novads, Padures Pag, Beltes, Latvia, holder of Latvian Passport bearing number LV3367329 and Medical Card number 0482929, and **EDGARS KOZLOVSKIS**, nineteen years old, Latvian national born in Jilgava, Latvia on the 19<sup>th</sup> February, 1990, son of Agers and Kadrija nee' Radzinji, residing in Kalnciema 97-2 Jilgava, Latvia, holder of Latvian Passport bearing number LM 0553849, issued by Jelgavas Pasu Dala on the 6<sup>th</sup> July 2005, were arraigned before her and accused:-

A. With having, on these islands, on the 11<sup>th</sup> February 2010 and in the preceding days and weeks, in various parts of Malta and outside Malta, by means of several acts committed by them, even at different times, which acts constitute violations of the same provisions of the law:

1. For having, promoted, constituted, organized or financed an organisation of two or more persons with a view to commit criminal offences liable to the punishment of imprisonment for a term of four years or more (which offences include fraud and other crimes);

2. For having, made part or belonged to an organisation, referred to in Subarticle (1) of Article 83A of Chapter 9 of the Laws of Malta;

B. Furthermore, with having, on these islands, on the 11<sup>th</sup> February 2010 and in the preceding days and weeks, in Malta, by means of several acts committed by them, even if at different times, which acts constitute violations of the same provisions of the law:

3. 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 and credit, or to create the expectation or apprehension of any chimerical event, made a gain of more than two thousand, three hundred and twenty nine Euro and thirty seven cents (€2329.37) to the detriment of HSBC Bank Malta plc. and Bank of Valletta Limited;

4. For having, knowingly made use of any of the false acts, writings, instruments or documents mentioned in Article 184 of Chapter 9 of the Laws of Malta;

5. For having committed any other kind of forgery, or knowingly made use of any other forged document;

The Court was requested to apply *mutatis mutandis* the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A (2) of Chapter 9 of the Laws of Malta.

The Court was also requested that in the eventuality of establishing guilt on the part of the accused, apart from inflicting the punishment prescribed at Law, the Court was requested to order the forfeiture of all the objects exhibited in these proceedings.

The Court was also requested that when pronouncing judgement or in any subsequent order or sentence, condemn the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the engagement in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the

judgement or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular three passports and a medical card "*animo ritirandi*", statements of the accused and conviction sheets.

Having seen the note of the Attorney General dated 20<sup>th</sup> May 2010, wherein he mentioned all the charges that he was accusing the accused with. Having heard the accused in the sitting of the 31<sup>st</sup> May 2010 declare that they have no objection that their case be dealt with summarily before this same court.

Considers:

The Court heard all accused pleaded guilty to all charges brought forward against them and this from a very early stage of the proceedings.

Having seen that such admission was made voluntarily, un-conditionally and spontaneously, the Court has no alternative but to find all accused guilty of the charges brought forward against them.

The Court gave them enough time to reconsider their guilty plea registered in the acts of these proceedings on the 20<sup>th</sup> April 2010. The Court noticed that the accused held firm their guilty plea even in the sitting of the 31<sup>st</sup> May 2010.

The court took into consideration that all accused co-operated fully with the Prosecution, and this from the very inception of the investigation, as can be evidenced from an examination of their statements exhibited in these proceedings. Having taken into consideration their guilty plea, and thus no time was wasted of the court. Having seen what the Prosecution declared in the proceedings in the sitting of the 31<sup>st</sup> May 2010, in particular that the accused KRISTINE AKMENE had just arrived in Malta and had not yet cashed any money with the cards given to

her, and thus made no material or financial gain. Having seen that all four accused had a clean conduct sheet and that they were relatively young offenders.

The Court thus noted all the relevant Sections at Law, in particular **Sections 17, 18, 23, 23A, 31, 83(A), 184, 189, 308, 309, 310, 310 (1)(a), 412 (C) and 533** of Chapter 9, and **Section 5** of Chapter 373 of the Laws of Malta, and declares that it is finding all accused guilty of the charges brought forward against them and condemns the accused **GIRTS LUSITIS, OSKARS STRAUME and EDGARS KOSLOVSKIS** to a term of imprisonment of nine months and **KRISTINE AKMENE** to a term of imprisonment of six months.

The Court declares that it is not taking cognizance of the request of the Prosecution to condemn the accused to pay the expenses of the court experts as per article 533 of the Criminal Code, since no expert was appointed in this case.

The Court also is not taking cognizance of the request made by the Prosecution in terms of Article 23A (2) of Chapter 9 of the Laws of Malta, since such request was withdrawn by the Prosecution during the sitting of the 12<sup>th</sup> February 2010.

With regards to the request of the Prosecution to confiscate all objects pertaining to the accused exhibited in these proceedings, it transpires that the only objects exhibited are the passports of the accused which were exhibited "*animo ritirandi*" and thus the Court is rejecting such plea.

**< Final Judgement >**

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