



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 25 th March, 2011

Number 778/2010

**The Police
(Inspector Ian Joseph Abdilla)**

vs

**- Omissis -
- Omissis -
- Omissis -
- Omissis -**

TOMS STRELCS

The Court,

Seen the charges brought against - Omissis -

- Omissis -

- Omissis -

- Omissis -

Toms Strelcs, 22 years, nationality Latvian, son of Aleksandrs Ivanovs and Silvija nee' Strelce, born in Riga (Latvia), on the 30th January 1988, and residing in Essington Drive, 9 M40 8BH, Manchester (UK). Holder of Latvian Passport bearing number LV3312277, issued by PMLP Rigas 4. Nodala on the 7th October 2008.

A. and charged them with having, on the these Islands, on the 1st of August 2010 and in the preceding days and weeks, in various parts of Malta and outside Malta, by means of several acts committed by the accused, even if 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); and

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, the accused are being charged with having, on these Islands, on the 1st of August 2010 and in the preceding days and weeks, in Malta, by means of several acts committed by the accused, 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 or credit, or to create the expectation or apprehension of any chimerical event, made a gain of more than two hundred and thirty two Euro and ninety four cents (€232.94) but less than two thousand, three hundred and twenty nine Euro and thirty seven cents (€2,329.37) to the detriment of HSBC Bank Malta plc. And Bank of Valletta Limited; and

4. 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 or more than two thousand, three hundred and twenty nine Euro and thirty seven cents (€2,329.37) to the detriment of AirMalta Company Limited;

C. - Omissis -

5. - Omissis -

6. - Omissis -

The Court 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 requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed at Law, also orders the forfeiture of all the objects exhibited in these proceedings.

The Court requested that, in pronouncing judgment or in any subsequent order, sentence 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 employment in the proceedings of any expert or referee

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within such period and in such amount as shall be determined in the judgment or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Heard evidence.

Seen the acts of the Case and the exhibited documents.

Seen the articles sent by the Attorney General in his Note dated 3rd March, 2011 and noted that defendant gave his consent that his case be treated summarily.

Noted that in today's Sitting accused Toms Strelcs declared that he is guilty to the second charge and the fourth charge brought against him.

The Court warned accused Toms Strelcs in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, the accused Toms Strelcs confirmed that he is guilty to the second charge and the fourth charge brought against him.

Noted that in today's Sitting Prosecuting Officer Inspector Ian Joseph Abdilla for the Prosecution declared that as regards the first charge brought against accused Toms Strelcs, this charge was given to accused as an alternative charge to the second charge brought against said accused and therefore requested that the Court abstains from taking further cognizance of said first charge brought against accused Toms Strelcs. Moreover same Prosecuting Officer for the Prosecution declared that as regards the third charge brought against accused Toms Strelcs, this charge was given to accused as an alternative charge to the fourth charge brought against said accused and therefore requested that the Court abstains from taking further cognizance of said third charge brought against accused Toms Strelcs. Same Prosecuting Officer for the Prosecution also declared that as regards to the request made in accordance with

Section 23A(2) of Chapter 9 of the Laws of Malta, which Section 23A(2) of Chapter 9 of the Laws of Malta has been given by the Attorney General in his Note dated 3rd March, 2011, since there is no longer the need that the Court provides in accordance with Section 23A(2) of Chapter 9 of the Laws of Malta, therefore the Prosecution requested that the Court abstains from taking further cognizance of this request. Moreover same Prosecuting Officer for the Prosecution declared that no expenses have been incurred in these proceedings in terms of Section 533 of Chapter 9 of the Laws of Malta and therefore requested that the Court abstains from taking further cognizance of the request made by the Attorney General in his Note dated 3rd March, 2011 in terms of Section 533 of Chapter 9 of the Laws of Malta. Furthermore same Prosecuting Officer declared that there are no objects that have been exhibited in this case that need to be confiscated.

Also noted that in today's Sitting Prosecuting Officer Inspector Ian Joseph Abdilla for the Prosecution and Dr Gianluca Caruana Curran for accused declared that since accused has been held in preventive custody regarding this case since the 3rd August, 2010 it would be opportune for this Court to consider the possibility of giving the punishment due to accused by applying Sections 28A and 28B of Chapter 9 of the Laws of Malta.

Heard submissions on punishment by the Prosecution and the Defence.

Seen Sections 17, 18, 31, 83A(2) and (4), 308, 309 and 310 of Chapter 9 of the Laws of Malta.

Considering that accused Toms Strelcs pleaded guilty to the second charge and the fourth charge brought against him, the Court has no alternative but to find said accused guilty of the second charge and the fourth charge brought against him and having considered all the circumstances of the Case including accused's clean Conviction sheet and that in today's Sitting Prosecuting Officer Inspector Ian Joseph Abdilla for the Prosecution and Dr Gianluca

Caurana Curran for accused declared that since accused has been held in preventive custody regarding this case since the 3rd August, 2010 it would be opportune for this Court to consider the possibility of giving the punishment due to accused by applying Sections 28A and 28B of Chapter 9 of the Laws of Malta, and having seen Sections 28A and 28B of Chapter 9 of the Laws of Malta, condemns accused Toms Strelcs to the punishment of two (2) years imprisonment and orders that this Sentence as regards the punishment of imprisonment should not take effect unless during the period of four (4) years as from today accused Toms Strelcs commits another offence punishable with imprisonment.

As regards to the first charge and the third charge brought against said accused, in view of what has been declared and requested in today's Sitting by the Prosecuting Officer Inspector Ian Joseph Abdilla for the Prosecution as regards to these said two charges as reproduced earlier on in this Sentence, the Court abstains from taking further cognizance of the said first charge and third charge brought against accused Toms Strelcs.

Moreover in view of what has been declared and requested by the said Prosecuting Officer for the Prosecution as regards to the request made in accordance with Section 23A(2) of Chapter 9 of the Laws of Malta in the Attorney General's Note dated 3rd March, 2011 and also as regards the request made in accordance with Section 533 of Chapter 9 of the Laws of Malta in the Attorney General's Note dated 3rd March, 2011, as reproduced earlier on in this Sentence, the Court abstains from taking further cognizance of the said two requests.

Finally the Court is giving the accused Toms Strelcs the explanation prescribed in Section 28A(4) of Chapter 9 of the Laws of Malta.

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