



MALTA

**QORTI TAL-MAGISTRATI (MALTA)**  
**BHALA QORTI TA' GUDIKATURA KRIMINALI**  
**MAGISTRAT DR.**  
**CLAIRE-LOUISE STAFRACE**

Seduta tad-9 ta' Dicembru, 2014

Numru. 900/2014

**The Police**

**[Inspector Ian J Abdilla]**

**-VS-**

**Calice Marcel Djiele Nkwessa**

**Bertin Boyomo Nfonkeu**

**The Court,**

Having seen that the accused Calice Marcel Djiele Nkwessa, holder of Republic of South African passport bearing number M00025628 and Bertin Boyomo Nfonkeu, holder of British passport bearing number C00353805.

Were charged with having, on these Islands, on the 22<sup>nd</sup> September 2014 and in the preceding days, 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, made part or belonged to 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);

Furthermore the accused were charged with having, on these Islands, on the 22<sup>nd</sup> September 2014 and in the preceding days, 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, with intent to commit a crime manifested such intent by overt acts which were followed by a commencement of the execution of such crime, in the crime with which 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, tried to made a gain of more than five thousand Euro (€5,000) to the detriment of Clayton Falzon; and
2. For having, been found in possession or had under his control any article for use in the course of or in connection with any fraud.

Kopja Informali ta' Sentenza

Seen the request of the prosecution 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.

Seen also the request of the prosecution 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, which in 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.

Seen charges and examinations of accused;

Heard evidence;

Heard admission plea of accused during the sitting of the 28<sup>th</sup> of May 2012, and confirmed such plea after being given the opportunity to reconsider such plea.

Kopja Informali ta' Sentenza

Seen Articles of the Advocate General whereby it was sought that there might result guilt under the following articles: Articles 17, 18, 31, 41(1)(a), 83A(2), 308, 310, 310BA(1) and 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

Upon admission of all charges by accused, Calice Marcel Djiele Nkwessa and Bertin Boyomo Nfonkeu, finds them guilty and condemns them to a period of six (6) months imprisonment.

**< Sentenza Finali >**

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