



MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT DR.
JOSETTE DEMICOLI

Seduta tal-25 ta' Settembru, 2014

Numru. 911/2014

The Police
(Inspector Rennie Stivala)

Vs

Thiam Serge Ronny, and
Elvis Achu Minang.

Sitting of 25th September 2014

The Court,

Having seen the charges brought against the accused Thiam Serge Ronny, 27 years, of French nationality, son of Thiam and Abate nee' Peulette, born in Foulassi, Cameroon, on the 16th November 1987, with no fixed address in Malta but residing in France at 17, Avenue Paul Valliant Couturier, Paris. Holder of French Identity Card bearing number 121294300515, (Issued by the Sous Prefecture del'Hay-Les-Roses, Expiry 6th December 2022), and Elvis Achu Minang, 32 years, of Cameroonian nationality, son of Michael and Jane nee' Mokom, born in Bamenda, Cameroon on the 28th November 1982, and with no fixed address in Malta but residing in France at 6, Rue Jean Baptist Lullie, Paris. Holder of Cameroonian Passport bearing number 01582413 (Issued by DGSN, Expiry 10th April 2017), with having, on these Islands, on the 23rd September 2014 and in the preceding days, in Malta:

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 various persons (articles 308, 309, & 310 Chapter 9);
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 (article 310 BA 1 chapter 9);

3. for having made, adapted, supplied or offered to supply any article, knowing that it is designed or adapted for use in the course of or in connection with fraud, or intending it to be used to commit, or assist in the commission of, fraud (article 310 BA2 Chapter 9),
4. and charged with having on the 22nd September 2014, and on days before and after such date, in these islands forged, altered or tampered with Passports, ID cards and Residence Permit Cards or used or had in their possession Passports, ID cards and Residence Permit Cards which they knew to be forged, altered or tampered with, in the name of Cassame Bambe bearing numbers AM 5522111C, 030300 respectively, and in the name of Johnathan Bagari bearing numbers Am5522116C, IO1484490, and 030300 respectively (Cap 61, Sec 5 of the Laws of Malta);
5. and charged also with having on the same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged document, in the mentioned documents (Cap 9, Sec 189 of the Laws of Malta);
6. and charged also with having on the same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of this act (Cap 217, Sec 32 (1d) of the Laws of Malta)

The Court is also 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 is also 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, 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.

Having seen documents exhibited;

Having heard the accused plead guilty to the charges brought against them, notwithstanding the fact that the Court warned them in the most solemn manner of the legal consequences of their guilty plea after having given them sufficient time within which to reconsider and withdraw their guilty plea;

Having heard the prosecution and defence counsel make their submissions.

Considers:

Having heard the guilty plea of the accused to the charges brought against them the Court has no alternative but to declare the accused guilty of all the charges brought against them.

With regards to punishment the Court took into consideration the fact that the accused pleaded guilty at an early stage of the proceedings, the circumstances of the case, and that they co-operated with the Police.

No costs incurred in connection with the employment in the proceedings of any expert or referee result from the acts of the case.

In view of the above, the Court, after having seen articles 308, 309, 310(1)(a), 310BA1, 310BA2, 189, 17, 31, 41(1)(a) of Chapter 9 of the Laws of Malta, article 5 of Chapter 61 of the Laws of Malta, article 32(1)(d) of Chapter 217 of the Laws of Malta, upon admission finds the accused guilty of the charges brought against them and condemns Thiam Serge Ronny to two (2) years imprisonment and comdemns Elvis Achu Minang to two (2) years imprisonment.

The Court orders the forfeiture of all the objects exhibited in these proceedings.

The Court orders that this judgment and all acts of this case be notified to the Attorney General in accordance with the law.

< Sentenza Finali >

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