

Bavarian State Ministry of Justice

Bavarian Ministry of Justice, 80097 Munich

Federal Office for Justice
Department of International Legal Assistance
- Department of Extradition –
Bundesrain 20
3003 Bern
Schweiz

Your sign
B 224'163/TMA

Our sign
E4 – 9351 E – II – 7284/11

Date
December 23, 2013

Extradition of German citizen Beowulf Adalbert von Prince from Switzerland

With 2 page collections and
1 reprint of this letter

Dear Ladies and Gentlemen,

I apologize for the extradition of the German national Beowulf Adalbert von Prince, born on December 27, 1953 in Ebern, to prosecution for the arrest warrant of the Coburg Regional Court of September 19, 2013, file number 1 KLs Js 3378/11, to requested listed offenses.

The persecuted person was handed over to the German authorities on January 24, 2013 under the above-mentioned file number and released on October 18, 2013 from detention. The persecuted should currently reside in Switzerland under the address Laufenburger Str. 16, 4310 Rheinfelden. As a place for the transfer, I may suggest Kreuzlingen / Konstanz.

Best regards

(no sign)
Grauel
Senior Legal Secretary
(Leitender Ministerialrat)

The Leading Senior Public Prosecutor
in Coburg

Your sign

files / business sign
102 AR 398/13

date
Dec. 06, 2013

Criminal proceedings against Beowulf Adalbert von Prince
because of requests for judicial assistance

1. It is certified that the pre-attached certified copies of the arrest warrant of the Regional Court Coburg of Sept.19, 2013 / file number: 1 KLS 123 Js 3979/11) are literally identical to the original.

2. The provisions of the Criminal Law and Criminal Procedure Law used in this document are worded as follows:

Section 25 Criminal Code - Principals

- (1) Any person who commits the offence himself or through another shall be liable as a principal.
- (2) If more than one person commit the offence jointly, each shall be liable as a principal (joint principals).

Section 52 Criminal Code - One act violating multiple laws or the same law more than once

- (1) If the same act violates more than one law or the same law more than once, only one sentence shall be imposed.
- (2) If more than one law has been violated the sentence shall be determined according to the law that provides for the most severe sentence. The sentence may not be more lenient than the other applicable laws permit.
- (3) The court may impose an additional fine to any term of imprisonment under the provisions of section 41.
- (4) If one of the applicable laws allows for the imposition of a confiscatory expropriation order the court may impose it in addition to imprisonment for life or a fixed term of more than two years. In addition, ancillary penalties and measures (section 11(1) No 8) must or may be imposed if one of the applicable laws so requires or allows.

Section 53 Criminal Code - Multiple offences committed by multiple acts

- (1) If a person has committed more than one offence, all of which are to be adjudicated at the same time, and incurred more than one sentence of imprisonment or more than one fine, an aggregate sentence shall be imposed.

(2) If a term of imprisonment concurs with a fine, an aggregate sentence shall be imposed. The court may impose a separate fine; if fines are to be imposed for more than one offence, an aggregate fine shall to that extent be imposed.

(3) If the offender, pursuant to a law according to which section 43a is applicable or under the terms of section 52(4), has as one of the individual sentences incurred imprisonment for life or a fixed term of more than two years, the court may impose a confiscatory expropriation order in addition to the aggregate sentence formed pursuant to subsections (1) or (2) above; if in such cases a confiscatory expropriation order is to be imposed for more than one offence, an aggregate expropriation order shall to that extent be imposed. Section 43a(3) shall apply mutatis mutandis.

(4) Section 52(3) and (4) 2nd sentence shall apply mutatis mutandis.

Section 132 Criminal Code - Arrogation of public office

Whosoever unlawfully engages in the exercise of a public office or undertakes an act which may only be undertaken with the authority of a public office, shall be liable to imprisonment not exceeding two years or a fine.

Section 263 Criminal Code - Fraud

(1) Whosoever with the intent of obtaining for himself or a third person an unlawful material benefit damages the property of another by causing or maintaining an error by pretending false facts or by distorting or suppressing true facts shall be liable to imprisonment not exceeding five years or a fine.

(2) The attempt shall be punishable.

(3) In especially serious cases the penalty shall be imprisonment from six months to ten years. An especially serious case typically occurs if the offender

1. acts on a commercial basis or as a member of a gang whose purpose is the continued commission of forgery or fraud;
2. causes a major financial loss of or acts with the intent of placing a large number of persons in danger of financial loss by the continued commission of offences of fraud;
3. places another person in financial hardship;
4. abuses his powers or his position as a public official; or
5. pretends that an insured event has happened after he or another have for this purpose set fire to an object of significant value or destroyed it, in whole or in part, through setting fire to it or caused the sinking or beaching of a ship.

(4) Section 243(2), section 247 and section 248a shall apply mutatis mutandis.

(5) Whosoever on a commercial basis commits fraud as a member of a gang, whose purpose is the continued commission of offences under sections 263 to 264 or sections 267 to 269 shall be liable to imprisonment from one to ten years, in less serious cases to imprisonment from six months to five years.

(6) The court may make a supervision order (section 68(1)).

(7) Section 43a and 73d shall apply if the offender acts as a member of a gang whose purpose is the continued commission of offences under sections 263 to 264 or sections 267 to 269. Section 73d shall also apply if the offender acts on a commercial basis.

Section 267 Criminal Code - Forgery

(1) Whosoever for the purpose of deception in legal commerce produces a counterfeit document, falsifies a genuine document or uses a counterfeit or a falsified document, shall be liable to imprisonment not exceeding five years or a fine.

(2) The attempt shall be punishable.

(3) In especially serious cases the penalty shall be imprisonment from six months to ten years. An especially serious case typically occurs if the offender

1. acts on a commercial basis or as a member of a gang whose purpose is the continued commission of fraud or forgery;
2. causes major financial loss;
3. substantially endangers the security of legal commerce through a large number of counterfeit or falsified documents; or
4. abuses his powers or his position as a public official.

(4) Whosoever commits forgery on a commercial basis as a member of a gang whose purpose is the continued commission of offences under sections 263 to 264 or sections 267 to 269 shall be liable to imprisonment from one to ten years, in less serious cases to imprisonment from six months to five years.

Section 276 Criminal Code - Acquisition of false official identity documents

(1) Whosoever

1. undertakes to import or export; or,
2. with the intent of using it to facilitate a deception in legal commerce, procures for himself or another, stores or supplies to another

a counterfeit or falsified official identity document or an official identity document which contains a false certification of the type indicated in section 271 and section 348 shall be liable to imprisonment not exceeding two years or a fine.

(2) If the offender acts on a commercial basis or as a member of a gang, whose purpose is the continued commission of offences under subsection (1) above the penalty shall be imprisonment from three months to five years.

Section 112 German Code of Criminal Procedure – [Admissibility of Remand Detention; Grounds for Arrest]

(1) Remand detention may be ordered against the accused if he is strongly suspected of the offence and if there is a ground for arrest. It may not be ordered if it is disproportionate to the significance of the case or to the penalty or measure of reform and prevention likely to be imposed.

(2) A ground for arrest shall exist if, on the basis of certain facts,

1. it is established that the accused has fled or is hiding;
2. considering the circumstances of the individual case, there is a risk that the accused will evade the criminal proceedings (risk of flight); or
3. the accused's conduct gives rise to the strong suspicion that he will
 - a) destroy, alter, remove, suppress, or falsify evidence,
 - b) improperly influence the co-accused, witnesses, or experts, or
 - c) cause others to do so,and if, therefore, the danger exists that establishment of the truth will be made more difficult (risk of tampering with evidence).

(3) Remand detention may also be ordered against an accused strongly suspected pursuant to section 308 subsections (1) to (3) of the Criminal Code, of having committed a criminal offence pursuant to section 6 subsection (1), number 1, of the Code of Crimes against

International Law or section 129a subsections (1) or (2), also in conjunction with section 129b subsection (1), or pursuant to sections 211, 212, 226, 306b or 306c of the Criminal Code, or insofar as life and limb of another have been endangered by the offence, even if there are no grounds for arrest pursuant to subsection (2).

Section 116 German Code of Criminal Procedure
[Suspension of Execution]

(1) The judge shall suspend execution of a warrant of arrest which is justified merely by a risk of flight if the expectation is sufficiently substantiated that the purpose of remand detention may also be achieved by less severe measures. The following measures, in particular, may be considered:

1. an instruction to report at certain times to the judge, the criminal prosecuting authority, or to a specific office to be designated by them;
2. an instruction not to leave his place of residence, or wherever he happens to be, or a certain area, without the permission of the judge or the criminal prosecuting authority;
3. an instruction not to leave his private premises except under the supervision of a designated person;
4. the furnishing of adequate security by the accused or another person.

(2) The judge may also suspend execution of a warrant of arrest which is justified for risk of tampering with evidence, if less severe measures sufficiently substantiate the expectation that they will considerably reduce the risk of tampering with evidence. In particular, an instruction not to have contact with co-accused persons, witnesses, or experts may be considered.

(3) The judge may suspend execution of a warrant of arrest issued in accordance with Section 112a provided there are sufficient grounds to assume that the accused will comply with certain instructions and that the purpose of detention will be fulfilled thereby.

(4) In the cases referred to in subsections (1) to (3), the judge shall order execution of the warrant of arrest if

1. the accused grossly violates the duties and restrictions imposed upon him;
2. the accused makes preparations for flight, remains absent without sufficient excuse upon proper summons to appear, or shows in any other manner that the trust reposed in him was not justified; or
3. new circumstances have arisen which necessitate the arrest.

Lohneis

Translation of the law: official translation from the website of the Federal Ministry of Justice
https://www.gesetze-im-internet.de/englisch_stgb/
https://www.gesetze-im-internet.de/englisch_stpo/