



CRIMINAL COURT

**THE HON. MR. JUSTICE
JOSEPH GALEA DEBONO**

Sitting of the 7 th January, 2009

Number 6/2007

The Republic of Malta
Vs
Steven John Lewis Marsden

The Court,

Having seen the bill of indictment no. 6/2007 against the accused Steven John Lewis Marsden wherein he was charged with:

After the Attorney General premised in the First Count of the Bill of Indictment that Steven John Lewis Marsden planned to import drugs illegally into Malta in agreement with others. In fact on the night of the ninth (9) and tenth (10) of July, two thousand and six (2006) and the preceding months he intended to get from Alicante in South Spain a considerable quantity of drugs illegally which he had acquired from another person with whom he had agreed about the deals. The

intended drugs included specifically ecstasy pills. That accused used to agree with others to obtain the drugs in Spain, planning the route and means of transport to Malta and to whom to sell the drugs, providing all necessary assistance for this illegal activity causing untold harm to Maltese society.

By committing the abovementioned acts with criminal intent, *Steven John Lewis Marsden* rendered himself guilty of conspiracy to trafficking in dangerous drugs in breach of the provisions of The Medical and Kindred Professions Ordinance.

Wherefore, the Attorney General, in his aforesaid capacity, accused *Steven John Lewis Marsden* of being guilty of having, with another one or more persons in Malta, and outside Malta, conspired for the purpose of committing an offence in violation of the provisions of the Medical and Kindred Professions Ordinance (Chapter 31 of the Laws of Malta) and specifically of dealing illegally in any manner in ecstasy pills and of having promoted, constituted, organized and financed such conspiracy.

Demanded that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than one thousand Maltese Liri (Lm1000), and of not more than fifty thousand Maltese Liri (Lm50,000), and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 120A(2)(a)(I), (2A), (2B) and 121A (1) (2) of Chapter 31, and in sections 20, 22, 23 and 533 of the Criminal Code, or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having seen the jury's verdict of today's date whereby by eight (8) votes in favour and by one (1)

vote against, they found the accused guilty of the First and only Count of the Bill of Indictment.

Now therefore, this Court declares the accused, namely Steven John Lewis Marsden guilty of the First and only Count in the Bill of Indictment, namely of having on the night of the ninth (9) and tenth (10) of July, two thousand and six (2006) and the preceding months, with another one or more persons in Malta, and outside Malta, conspired for the purpose of committing an offence in violation of the provisions of the Medical and Kindred Professions Ordinance (Chapter 31 of the Laws of Malta) and specifically of dealing illegally in any manner in ecstasy pills and of having promoted, constituted, organized and financed such conspiracy.

Having considered ALL submissions made by defence counsel which are duly recorded and in particular – but not only – the following :

- 1. that the verdict of the jurors was not unanimous;**
- 2. that the long hours taken to reach a verdict indicate that the case was not contested frivolously;**
- 3. that the drug actually imported was not scheduled at the time and therefore not illegal;**
- 4. that accused had a clean conduct sheet;**
- 5. that this was his first drug run to Malta;**
- 6. that he was only going to obtain a payment of LM5,000 for the run;**
- 7. that he had given the names of the two persons who had incited him to do the run together with details about their other business interests in Malta;**
- 8. that as accused stated in his statement to the Police, he had done this out of stupidity and financial difficulties and this is born out by the fact that no assets were discovered by Dr. Vincent Galea in his report and during the Police raid on accused's house;**
- 9. that he fought this Court case loyally.**

Having considered prosecuting counsel's submissions that :

1. in this case over 50,500 pills were involved which would have fetched a retail market price in the vicinity of 500,000 Euros and the effect on Maltese youth and society in general of such a volume of drugs, which had the same effects as the scheduled drugs, would have been incredible;
2. this was a case where the accused who was himself a guest of Maltese society had conspired with other foreigners who were likewise guests in Malta to ruin Maltese society and it was shocking for these foreigners to take advantage of the hospitality of the Maltese in this way;
3. this practice had to be stopped in all possible ways;
4. that accused's motive was to make money on this deal, in fact a sum of LM 5,000 was involved;
5. accused had not cooperated at all with the Police who spent ten hours searching the vehicle for the hidden drugs;
6. it was clear that eight out of the nine jurors had not believed accused's version that he conducted a research on internet to determine whether he could legally import the drug into Malta or not
7. this case merited no serious consideration because of its seriousness and quantity of drug involved and the *modus operandi* used which was vicious.

Having seen accused's updated criminal conduct sheet filed by the prosecution and examined by the defense.

Having considered the gravity of the case.

Now therefore, after having seen Sections 120A(1)(f)(1A), (2)(a)(i)(aa)(bb)(2A), (2B) and 121A(1)(2) of Chapter 31, and sections 20, 22, 23 and 533 of the Criminal Code, condemns said Steven John Lewis Marsden to a term of imprisonment of twenty five (25) years from which term shall be deducted all the periods during which he was being held under preventive custody in Corradino Correctional Facility

only in respect of the charge of conspiracy of which he has been found guilty, and to a fine *multa* of sixty thousand Euros (€60,000) which fine shall be automatically converted into a further term of imprisonment of eighteen (18) months according to law, if it is not paid within fifteen days from today and further orders that he shall pay the sum of five thousand, one hundred and fifty nine Euros and twenty four cents (€5159.24) being the court expenses incurred in this case according to Section 533 of Chapter 9 of the Laws of Malta within fifteen (15) days from today ;

Furthermore orders that all objects related to the offence and all monies and other moveable and immovable property appertaining to the person convicted shall be confiscated in favour of the Government of Malta ;

Finally, the Court orders the destruction of all drugs exhibited in this case under the direct supervision of the Deputy Registrar of this Court duly assisted by Court Expert Mario Mifsud, unless the Attorney General informs this Court within fifteen days from today that said drugs are also to be preserved for the purposes of other criminal proceedings against other third parties and, for this purpose, the Deputy Registrar should enter a minute in the records of this case reporting to this Court the destruction of said drugs.

< Final Judgement >

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