



CRIMINAL COURT

**HIS HONOUR THE CHIEF JUSTICE
VINCENT DE GAETANO**

Sitting of the 19th May, 2009

Number 8888/2009

The Police
(Inspector Victor Aquilina)

v.

Richard Alistair Cranston

The Court:

Having seen the application filed by the Attorney General yesterday, 18th May 2009, whereby the said Attorney General requested, in accordance with what is provided in Article 574A(9) of the Criminal Code, the revocation of the decree of the 15th May 2009 delivered by the Court of Magistrates (Malta) as a Court of Criminal Inquiry, and the consequent re-arrest and continued detention of respondent Richard Alistair Cranston;

Having heard counsel for applicant, Dr Lara Lanfranco, and counsel for respondent, Dr Jose Herrera; having also heard on oath Inspector Victor Aquilina and Ms Yvonne McKinnon;

Having seen the record of the case;

Considers:

Respondent Richard Alistair Cranston was arraigned in court under arrest on the 15th instant charged with the possession of a not insubstantial amount of prohibited drugs, to wit cocaine, cannabis and cannabis resin. These were found on his yacht after a search effected after a tip off. Considering the amount involved, the charge of possession is aggravated, in the sense that the prosecution maintains that the drugs were found in such circumstances as indicate that they were not for the exclusive use of the said Richard Alistair Cranston. Respondent is also charged with being a recidivist in view of a judgment delivered by a court in Catania, Sicily.

Upon his arraignment, respondent requested that he be released on bail. The police prosecuting officer objected to the granting of bail. The Inferior Court granted bail upon the mere recognizance of the person accused, fixing the amount of the security in the sum of Euro1,000. No curfew or residence requirement was imposed, although one of the conditions of bail is that he should report every day at the St Julian's police station between 6.00 pm and 9.00 pm.

Having considered all the circumstances of the case, including the fact that respondent cannot be said to have a fixed or proper abode here in Malta (even though he spends a considerable amount of time, when on land, with his friend, the abovementioned McKinnon, in Paceville), the nature of the charges and the fact there he is in possession of a means whereby he can easily leave the Islands – his yacht – this court is of the view that the decision of the Inferior Court to grant bail in this case and at this stage is manifestly wrong in view of the clear and

manifest danger of respondent absconding or leaving Malta surreptitiously (Article 575(1)(b), Cap. 9).

For these reasons the Court allows the application, revokes the decree of the Court of Magistrates (Malta) of the 15th May 2009, and consequently orders the re-arrest and continued detention of respondent Richard Alistair Cranston.

< Final Judgement >

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