



**Court of Magistrates (Gozo)  
As a Court of Criminal Judicature**

**Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)**

*Criminal Inquiry No.: 17/2022*

**The Police  
(Inspector Mark Mercieca)**

**-vs-**

**Jack George Bedding, 21 years, son of Jane Bramley, born on the 18th September 2000 in the United Kingdom, residing at 54, Majestic Farmhouse, Triq Ta' Xuxa, Kerċem, Gozo and holder of Maltese Residence Permit 124230A**

Today, the 17<sup>th</sup> May, 2023

The Court,

Having seen the charges brought against the defendant **Jack George Bedding** for having:<sup>1</sup>

On the 12<sup>th</sup> February 2022 and during the previous months in these Islands:

1. Produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of Section 8 (e) of the Chapter 101 of the Laws of Malta;
2. Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the whole or any portion of the plant Cannabis

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<sup>1</sup> Fol.26-27

in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta, **which drug was found under circumstances denoting that it was not intended for his personal use;**

3. Failed to abide with the conditions imposed on him by the Magistrates Courts (Gozo) as decreed on the 6th June 2019 by Magistrate Dr. Joseph Mifsud LL.D. and any subsequent decrees with which bail was granted under guarantees, breaching article 579 (2) of the Criminal Code Cap. 9 of the Laws of Malta.

And also for having on the 12th February 2022:

4. Drove vehicle of make Mercedes bearing Registration number ACA696 in a reckless, dangerous and negligent manner;

5. Drove vehicle of make Mercedes bearing Number ACA696 without having a valid driving licence.

6. Drove vehicle of make Mercedes bearing number ACA696 without being covered by an insurance policy regarding the risks of third parties.

7. For being a recidivist after being sentenced for an offence by a judgement issued by the Court of Magistrates (Malta) presided by Magistrate Dr. C. Galea LL.D on the 26th September 2017, which judgement has become absolute and cannot be altered. The court is humbly requested that in case of guilt, apart from inflicting the punishment as prescribed by law, order also the confiscation of all objects exhibited.

The Court is also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Having seen the Order by the Attorney General in terms of sub-article (2) of Article 22 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, by means of which the defendant was to be charged before the Court of Magistrates as a Court of Criminal Jurisdiction;<sup>2</sup>

Having heard the defendant declare that he does not object to the case being tried summarily by this Court;<sup>3</sup>

Having heard witnesses;

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<sup>2</sup> Doc.MAM5 a fol. 14

<sup>3</sup> Fol.30

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their final submissions.

Considers,

The **Process-Verbal No. 170/2022** was also presented in the acts of these proceedings.<sup>4</sup>

I. Offences Against Chapter 101 of the Laws of Malta:<sup>5</sup>

Surveillance: Fleeting contact between Bedding and several persons

**Inspector Mark Mercieca** provided the Court with an overview of the investigations which pursued information that the defendant was involved in drug trafficking. Officers sent by the inspector saw him driving recklessly and dangerously a Mercedes bearing registration details ACA696. The officers shadowing him found difficulty doing so due to the high speed and perilous manoeuvres the defendant was engaging in. At the same time Bedding was seen making contact with a number of persons.<sup>6</sup>

*“On the 12th February twenty twenty-two (2022) I was personally here. Some time after twelve in the evening I noticed Jack Bedding driving the vehicle Mercedes towards Kerċem from Lunzjata, parked same in front of his house and after a couple of minutes, let’s say two or three minutes, he drove, I was behind him, he drove in the roads of Kerċem with a very high speed and reckless manners, he went round the ground, the football ground, back to in front of the school, and then I kept on going. I informed my colleagues where they took over and Jack drove towards Xagħra, Nadur, Ramla, etc, with very high speeds. In was informed that Jack was in Ramla in the company of another male person in the vehicle and after some time when I was parked near the playing field of Nadur, exactly when you go up from Ramla, it was full of children, I noticed Jack George Bedding driving the Mercedes ACA 696, he stopped in front of me, he just turned with very high speed, pulling the handbrake on and back down to Ramla.*

*There, the police continued to shadow him where a couple of hours after he was noticed making contact with a person in Xagħra, Triq il-Mithna, Xagħra. Exactly he had the passenger who was with him from before on the passenger seat front on the back seat this person came, opened the door and entered. After a minute, same went out from the*

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<sup>4</sup> Fol.70 Confirmation of Experts. **Doc PV1** a fol.87 et seq

<sup>5</sup> Charges numbered one (1) and two (2).

<sup>6</sup> Fol.31

vehicle and the police stopped Jack George Bedding. He was provided with a copy of the search and arrest warrant, given his legal rights by the police officers on site. I was there when the search was going to begin exactly on him and in the vehicle, **where several sachets containing green substance were found in a man bag appertaining to Jack George Bedding, money cash on the centre console was also noticed in the vehicle, the cash was seventy-five euros (€75), and there was also a one house residence, one house key that afterwards matched the Kerċem residence he lived in. A mobile phone was also seized.**

The other person, being a passenger in front, who was going round Gozo with Jack George Bedding for that day resulted to be a certain Alan Mario Vella. Same was arrested and taken to Victoria police station for further interrogations, whilst Jack George Bedding was escorted by another group of police officers to his residence at Kerċem, 54, Majestic Farmhouse, Triq ta' Xuxa, Kerċem, for the searches to be performed.

*From the residence **other green substance, a larger packet of green substance from inside his bedroom was seized, three (3) mobile phones, new sealable bags, one digital scale with traces on it, and several plastic bags without the corner which were thorn.....Alan Vella released a statement under oath describing what had happened during the day,**"<sup>7</sup>*

Inspector Mercieca added that investigations revealed that Bedding did not possess a valid driving licence. His statement<sup>8</sup>, released audio-visually was also exhibited as was the vehicle<sup>9</sup> being driven by him as he was making contact with several people which the Inspector had made reference to. The key found in the man-bag lead to Bedding's residence, from which residence further substances were found.<sup>10</sup> Monies amounting to seventy-five euros (€75) found in the Mercedes's console were also exhibited.

The prosecuting officer went on to exhibit a number of plastic bags without corners which were found in Bedding's residence whilst a blue tin was found containing **several new small sealable bags** and a white sock which was found to contain digital scales and other small plastic sealable bags.<sup>11</sup>

**PS118 Eman Joe Borg** testified how upon Inspector Mercieca's instructions, arrest and search warrants were executed on the defendant. PS Borg explains "At around four in the afternoon (~ 4.00 p.m.) we saw Jack using a vehicle Mercedes

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<sup>7</sup> Fol.31-33

<sup>8</sup> **Doc.MM1** a fol.39

<sup>9</sup> **Doc.MM2-MM2A** a fol.40-43

<sup>10</sup> Fol.34

<sup>11</sup> Fol.35. **Exhibits Ref. No. B197** a fol.44

Benz with the registration number ACA 696. He stopped under the windmill in Triq il-Mithna, Xaghra. A few moments later a male person came by foot near the vehicle, made contact and then left. We surrounded the vehicle and arrested two persons that were inside the vehicle. On the driver's side there was Jack and on the passenger side there was Alan Mario Vella. .... I made a search on his person that resulted in negative and then began a search in the vehicle and we found one mobile phone that belonged to Jack, a black man-bag with **five (5) sealable bags with green substance**, seventy-five euro (€75), a residence key and Transport Malta document. After we went to his residence, 54, Majestic Farmhouse, Triq ix-Xuxa, Kerċem, and in his room we found inside a chest of drawers **one sealable bag with a red line containing green substance, two sealable bags and a plastic bottle transparent with traces of green substance, a mobile phone box and we found as well a white sock that contained amount of empty sealable bags<sup>12</sup> that are new** ..... In the chest of drawers there were a sealable bag with a red line that contained green substance, two other sealable bags and a plastic bottle with traces and a white sock that you showed me,.... with and amount of sealable bags that are new and inside the sock there was as well digital scale. Inside his room there was as well **a blue bin that had plastic bags without corners.<sup>13</sup>** ..... those are the plastic bags that were found in his blue bin inside his room. Then we went to make a search in the garage. There was a black Skoda without registration number and inside there was a sealable bag with green substance and another sealable bag with traces. We sealed everything in front of Jack and then we escorted him to the police headquarters in Floriana."<sup>14</sup>

**PC1564 Kyle Zammit** describes how on the 12<sup>th</sup> February 2022, acting upon information that the defendant was selling drugs, he had been observing the said defendant before making the arrest. He states: "At around four in the afternoon (~ 4.00 p.m.) whilst he was using a Mercedes Benz with registration number ACA 696 seen stopped in Triq Il-Mithna, location at Xaghra, exactly under the windmill. Basically we noticed a person, a male person, make a contact with the vehicle that I mentioned, the Mercedes Benz, and [the person contacting the vehicle] left after a few seconds." It was at that time that the vehicle was surrounded by the police where the driver was identified as the defendant and a certain Alan Mario Vella was riding in the passenger's seat.

A search on Bedding's person was conducted which resulted in the negative. However "in the vehicle we found a mobile iPhone belonging to Jack because he confirmed with us, **a black man-bag<sup>15</sup> containing five (5) sachets of green substance suspected cannabis grass**.....He also had seventy-five euros (€75) in cash

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<sup>12</sup> Doc.MM7

<sup>13</sup> Doc.MM6

<sup>14</sup> Fol.45-46

<sup>15</sup> Doc.MM3

and a house key<sup>16</sup>” which were found in the vehicle.<sup>17</sup> The man-bag was on the driver’s side between his seat and the driver’s door. On scene Bedding had remarked that he was authorised to carry the substance since it was legal to do so, thereby **confirming that the substance in the man-bag was his!** The money was found in the car’s console.<sup>18</sup>

PC Zammit goes on to explain that not only did Bedding confirm that the substance was his but he had even went on to tell the police that *“at home we are going to find more...the same substance.”*<sup>19</sup> Bedding led police to his house in Ta’ Kercem: *“So exactly when we arrived at his residence in Kercem he showed us that in a cupboard we are going to find a sealable bag, a bit different from the others, because it is a bit bigger, and he told us that we are going to find it in that cupboard, we went, we opened, we found exactly what he said. But in the other cupboard we found a pair of socks, white<sup>20</sup> ... In that sock there were small sealable bags, empty, they were new, no traces, no nothing. And also **there was a digital scale in it. and there were some traces, green traces on the scale, digital scale.** Basically then we went in the garage ... the entrance and there was a Skoda, he said... I mean it is a vehicle from the past, but it was still in the garage the vehicle, **behind the driver’s seat there was a sachet with green substance, another bigger sachet, but with traces and some sealable bags, but they were new also; we just took them, that’s all.”** Zammit clarifies that upon the police finding the man-bag Bedding told him *“It is mine, I can carry them.”* but said nothing of the bags and digital scales.<sup>21</sup>*

**PC760 Christopher Saliba** stated that following confidential information Police had received that Bedding was drug trafficking, in the early morning of the 11<sup>th</sup> February 2022 he started surveilling Bedding. Early that afternoon he saw the defendant driving a Mercedes bearing registration number ACA 696, *“where during my surveillance of that day I could notice Jack stopping several times throughout Kercem and Sannat making contact with several people, after a few seconds he drives away the scene. It was very hard to conduct the surveillance as his driving was a bit very fast and in fact that day the surveillance I could not even carry on with my surveillance as I got lost sight of the vehicle.”*<sup>22</sup>. Surveillance resumed the next day when at around 11.00 a.m. Bedding was again seen driving the same vehicle which he confirmed was that shown in **Doc.MMM.**<sup>23</sup>

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<sup>16</sup> **Doc.MM4**

<sup>17</sup> Fol.48-49

<sup>18</sup> Fol.49

<sup>19</sup> Fol.50

<sup>20</sup> **Doc.MM7**

<sup>21</sup> Fol.50

<sup>22</sup> Fol.79-80

<sup>23</sup> Fol.78

Saliba confirms the findings yielded by the searches conducted in Bedding's car and in his residence. He was with PC1564 when he the items were seized namely, **a man-bag with five (5) sachets containing suspected cannabis grass** from his vehicle, whilst from his bedroom in a cupboard "*there was a transparent bag a zipped bag suspected cannabis grass substance, also two (2) sealable bags with some traces suspected to be cannabis grass, also one transparent jar with suspected traces of cannabis grass, and in a white sock, a loose white inside the sock there was the digital scales and considerable amount of new sealable bags.* Also in the same cabinet a box of iPhone was also found. From a garbage bin in the same room, there was plastic bags with missing corners. ..... Another search was carried out in a black Skoda Fabia with no registration plates which was in an adjacent garage to the residence where in the front part of the vehicle, several **self-sealable bags** were also found, one sachet with suspected cannabis grass and also another self-sealable bag with traces."<sup>24</sup>

Constable Saliba clarifies that contact was made by the defendant with persons who would have been **waiting** for him and after stopping and making contact with them he would drive off.<sup>25</sup>

**PS442 Gary Scerri**, who was also surveilling Bedding with Constable Saliba, sheds more light on the defendant's conduct. He describes how he witnessed **Bedding stopping his car near several people** thereby arousing suspicions. The next day Bedding was stopped at Xaghra and a search on his person and in his vehicle was performed. When he was arrested he was in his vehicle in the company of a certain Alan Mario Vella who later released a statement under oath.<sup>26</sup>

**PS2009 Abigail Pomroy** states: "*On the twelfth (12th) of February twenty twenty-two (2022), myself together with other Drug Squad personnel were instructed by Inspector Mark Mercieca to observe a certain Jack George Bedding who was making use of vehicle Mercedes with registration number plates ACA 696. **He was observed driving in several villages in Gozo and also driving with high speed and dangerous manoeuvres around Gozo.** He was also observed **making contact with other persons.** At around four p.m. (~ 4.00 p.m.) he was also noticed stopping in Triq il-Mithna, Xaghra, and when we closed the vehicle with our vehicles, two male persons came out of the vehicle, one from the driver's side who later resulted to be Jack George Bedding, who I am seeing here in Court, and another one from the front passenger side who was a certain Alan Mario Vella. .... I was also present during the search at his residence, fifty-four (54), "Majestic Farmhouse," Triq Ta' Xuxa, Kerċem, **where from his bedroom the following items were seized: one sealable bag with a red mark***

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<sup>24</sup> Fol.80-81

<sup>25</sup> Fol.82

<sup>26</sup> Fol.111

*containing green substance suspected to be cannabis grass, two sealable bags and a transparent containing with traces of substance suspected cannabis grass, white sock which had a 2 Transcriber number of new sealable bags and a digital electronic scales with traces on it, one box of iPhone and several plastics with thorn corners found in a blue dustbin. Whilst we were doing the search I was speaking to Jack and when I asked him what he was going to do with the amount of cannabis that we found in his bedroom he told me that he just bought it try it because he never tried cannabis grass and this was his first time that he was going to try it.*"<sup>27</sup>

Witnesses who purchased drugs from Bedding

**Statements on Oath** given in terms of Article 24A(12)(13) of Chapter 101 of the Laws of Malta, were exhibited by the Deputy Registrar. These were released by Teklit Gebrek Stross Weldey<sup>28</sup> and by Alan Mario Vella.<sup>29</sup>

**(a) Teklit Welday**

**Inspector Bernard Charles Spiteri** confirmed the statement released to the police by Teklit Welday on the 2<sup>nd</sup> December 2021 in the presence of PC1384 Felix Sammut wherein Welday, who had been found in possession of cannabis grass, had admitted to purchasing same from the defendant. The said statement was **confirmed on oath** before Magistrate Dr. Simone Grech the following day<sup>30</sup>.

In his statement Welday admits to buying cannabis grass *"I used to buy from a certain Jack, an English guy and from Malta also. In Malta the price is cheaper....I used to buy two to three grams and it used to cost me around 60 euros...I used to call Jack and ask him. He used to tell me where he was, normally around Victoria main parking and I used to go there and buy"*. He gave the number 77992656 as Jack's number<sup>31</sup>.

After agreeing to confirm on oath the statement which he also signed, he confirmed same on oath the following day<sup>32</sup>. Moreover, before the Honourable Magistrate he added *"all this statement is true and the happening was written by the*

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<sup>27</sup> Fol.164-165

<sup>28</sup> Fol.54 et seq

<sup>29</sup> Fol183 et seq

<sup>30</sup>Fol.152. Vide statement a fol.54 et seq

<sup>31</sup> Fol.60

<sup>32</sup> Minutes of the Magistrate dated the 3<sup>rd</sup> December 2021 a fol.61



*police and the questions were right and I did it, yes ... I can confirm by swearing in the Bible".<sup>33</sup>*

Testifying *viva voce* in these proceedings in Bedding's presence, Welday immediately starts off claiming difficulty to recall facts as he claims he was in a mental facility in Sweden and in Mount Carmel. He is ever so dismissive; even before his questioning commences, he pre-empts the court and the prosecutor by stating that he does not recall being spoken to by the police. At one point he claims he was forced to testify, an allegation which the inspector immediately rebutted and clarified that that is the punishment for perjury.<sup>34</sup> After calming down, Welday recalled telling police that he had bought marijuana but could not recall from whom. Confronted with his statement released before Magistrate Grech, Welday stated that he did not remember what he had answered at the time. It was at this point that Welday was declared a hostile witness.<sup>35</sup> His replies are manifestly evasive.

However, after some time Welday went on to confirm that when he initially spoke to the police, **he was telling the truth** "*I was not lying .... I was speaking the truth*".<sup>36</sup> After hesitating and even at times conducting himself arrogantly, he again confirms that although he may not recall the statement made to the police, "*I don't even have the behaviour to lie*" and that he told the truth "*Yes....I was speaking the truth*".<sup>37</sup>

#### **(b). Alan Mario Vella**

**Alan Mario Vella** also released a statement to the police which was confirmed on oath before Magistrate Dr. Brigitte Sultana. He recalls that on the day on which he was arrested with the defendant he had been driving around with him when, at one point when they were in Rabat, Bedding received a message and proceeded to phone someone saying "*gej gej*" and they drove to Xaghra near the windmill.

Bedding stopped the car and a man got in, "*Jack ghaddielu pakkett haxica tal-kannabis u il-guoni l-iehor tah 15 euro ta' din, il-flus kienu imramblin. Dan il-guoni li kien jismu Kieren hareg mill-karozza u Jack beda icempel lit-tfajla tieghu u hemm gew il-pulizija fuqna*". He states he knows the substance was cannabis

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<sup>33</sup> Fol.65

<sup>34</sup> Fol.155-156

<sup>35</sup> Fol.157

<sup>36</sup> Fol.158

<sup>37</sup> Fol.160-161

grass *“Ghax rajtha, kienet sustanza hadra go plastic baggie”* with Bedding proceeding to place the money in a compartment near the radio.

This goes to show that the monies found in the car’s console were likely to have been **proceeds** of his sales.

He did not think that Jack was a user but only sells drugs. Vella continues that he never saw Jack selling but it was often the case that they would be together when Jack receives a call and leaves only to return sometime later. Moreover, he was often approached by persons with whom he would leave and return later. It was only on this occasion that he witnessed Jack selling drugs and he adds that when he opened his bag to pass on the drug to the man who entered the vehicle **he could see other packets**. Vella recalls that when he returned from a stop at Greens, Jack was waiting in the parking area of the Hotspurs football club when he saw him **servicing a coloured man who was passed on a packet in return for money** *“Dak il-hin inmutajtu jghaddi pakkett u gabar il-flus”*.<sup>38</sup>

Vella also admitted to having bought cannabis from Jack in August 2021 and showed his willingness to confirm his statement on oath before the magistrate.<sup>39</sup> Later that day, the statement was confirmed on oath before the Honourable Magistrate Dr. Brigitte Sultana.<sup>40</sup>

Testifying *viva voce* Vella confirmed how he was arrested on the 12<sup>th</sup> February 2022 whilst in the car with the defendant. The witness confirmed the statement he voluntarily confirmed before the Magistrate in its entirety,<sup>41</sup> going on to state *“I can confirm to you that the statement it was completely a hundred percent correct, because it was happened, what? two hours, one hour after we got arrested.”*<sup>42</sup>

#### Extraction of Bedding’s iPhone

**Max Xuereb** extracted the contents of the Apple iPhone 11 Pro which was carrying a Melita sim card number 77992656.<sup>43</sup> Moreover from **Doc.PD**<sup>44</sup> - *Case Information Details* - the device was using SIM number 00356 77992656,

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<sup>38</sup> Fol.188

<sup>39</sup> Fol.189

<sup>40</sup> Fol.191-192

<sup>41</sup> Fol.195

<sup>42</sup> Fol.196

<sup>43</sup> **Doc.MX** a fol.177

<sup>44</sup> Fol.177A

incidentally the number Welday gives to Police when he describes how he contacted a certain **Jack** when he wants to purchase cannabis grass!<sup>45</sup>

An analysis of the extraction carried out on the Apple iPhone pertaining to the defendant - **Doc.PD**<sup>46</sup> - revealed numerous pictures which show **cannabis being weighed or handled, wads of money pervade the images, stacked money or money spread out**, luxury items such as watches particularly Rolex and clothing accessories. More worrying are a number of images where the defendant is seen handling firearms and posing with shotguns/rifles.<sup>47</sup>

The device, an iPhone, had been seized from Bedding's vehicle upon his arrest by PS Eman Borg and PC Kyle Zammit.

The court will be making reference only to those images, not least chats with several persons, transacting drug deals, which relate to the merits of the charges attributed to the defendant.

Apart from a list of hyperlinks<sup>48</sup>, the file numbers hereunder refer to images found on his device.

*A. Images showing Beddingfield's obsession with cash and his flaunting it:*

- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\converted\_files\heic
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\html\_files\171\_Image\_Files.html
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\112APPLE\IMG\_2599.HEIC\5005.JPG
- 5005.JPG (360×640): D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\113APPLE\IMG\_3851.MOV\5005.JPG
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\112APPLE\IMG\_2600.HEIC\5005.JPG

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<sup>45</sup> Fol.60

<sup>46</sup> Fol.177A

<sup>47</sup> **Path DCIM:** 202010 as an example of many

<sup>48</sup> Access can be obtained when pendrive is being accessed.

- 5005.JPG (360×640): D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\113APPLE\IMG\_3852.MOV\5005.JPG
- 5005.JPG (360×480): D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\115APPLE\IMG\_5683.HEIC\5005.JPG
- file:///D:/Apple%20iPhone%2011%20Pro%20Max%20(2022-07-21%2023h42m21s)/phone\_files/phone/raw0/PhotoData/Thumbnails/V2/DCIM/113APPLE/IMG\_3852.MOV/5005.JPG
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\thumbs  
Image Nos: 271782; 271973; 274400; 274402; 274425; 280641; 280643; 280638; 281190; 28716-28720; 281618; 281033; 282797-282801; 281770; 282914-282916; 283360
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\thumbs  
Images Nos: 27331; 273815; 273812; 280228
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\html\_files\phone\misc\converted\_files\heic  
Image Nos: 77866; 77532; 77535; 71839; 71502;
- D:\DCIM  
202007: IMG\_5160.jpg  
202103: IMG\_2604.jpg
- HTML\_files: 171\_image File 5005.jpg; Img\_2288.jpg  
IMG\_3289.thm  
172\_Image files

B. *Images showing cannabis (and a white crystal-like substance<sup>49</sup>) being handled or being weighed on digital scales.*

- Apple iPhone 11 Pro Max - Jack George Bedding - MOBILedit Forensic
- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\html\_files\172\_Image\_Files.html

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<sup>49</sup> D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\thumbs Image: 271989

Image Nos: 3591; 3592;

- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\113APPLE\IMG\_3685.MOV\5005.JPG

- IMG\_4332.JPG (864×1536):

D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Mutations\DCIM\114APPLE\IMG\_4332\Adjustments\IMG\_4332.JPG

- 5005.JPG (360×640): D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\114APPLE\IMG\_4332.MOV\5005.JPG

- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\html\_files\phone\misc\converted\_files\heic  
Image Nos: 7202; 71860; 71856, 71858

- Image No: 281997

- Video as it is being weighed in large amounts: VMX 7660.MOV; DCIM202012

- D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\thumbs  
Image Nos. 281117; 281122; 281199; 280285; 281040; 281043; 281278

- Pdf\_files>phone>misc>thumbs: (.jpg files)

Image Nos. 271827; 272024; 272025; 272138; 272134; 272156; 272158; 272187; 272189; 272230; 272231; 272250; 272275; 272278; 272278-272290; 272302; 272331; 272332; 272383; 272385; 274334; 274347; 274348; 274469; 274830; 274831274372; 274370; 274395; 274396; 281235; 282235; 282494; 28260; 28261; 281253; 281275; 281281; 281278; 281628; 281911; 281757; 281040; 281043; 282678-282682; 282160, 282162-282166; 28222-282230; 282458-28460

*Plants being cultivated:* Image No. 271727

Images Nos. 272093; 272316; 272317; 272361-272366 and 274368 (showing stickers he apparently uses on his products lying close to weighing scales);

C. Chats between defendant and clients seeking to purchase drugs

- Client Troy:

5005.JPG (360×780) D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\114APPLE\IMG\_4806.PNG\5005.JPG

5005.JPG (360×780) D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\114APPLE\IMG\_4807.PNG\5005.JPG

- Client Nathan

5005.JPG (360×780) D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\PhotoData\Thumbnails\V2\DCIM\114APPLE\IMG\_4805.PNG\5005.JPG

- Client Toby Dahl

D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\thumbs

Image No. 271972.jpg

*“10-20 every other day is very good but he needs to be able to rely on you  
No joking cause he can from Malta today”*

- Client \*

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Image No. 272252.jpg:

*“put 30 in one bag and the rest in the other;  
I ‘m gonna make you 60 in total, 40 and 20  
Thankyou so 30 +30”*

- Client \*\*

D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\pdf\_files\phone\misc\thumbs

Image No: 272017.jpg: showing substance being weighed-

*"You want it or the money"*

- Client Luke

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23h42m21s)\pdf\_files\phone\misc\thumbs

Image 281786.jpg:

*"Don't use names"*

- Client \*\*\*

D:\Apple iPhone 11 Pro Max (2022-07-21  
23h42m21s)\pdf\_files\phone\misc\thumbs

Image No. 283407: Shows how he is being requested by a client to get a 10 gramme supply and is owed Euro180. Bedding tells him he would not have the digital scales with him and he must trust him that he will get the weight demanded:

*"...you have to trust me, I don't carry it around with me".*

- Client \*\*\*\*

D:\Apple iPhone 11 Pro Max (2022-07-21  
23h42m21s)\pdf\_files\phone\misc\thumbs

Image No. 272398.jpg:

*"you have to pay frist bro. Cant give you with no cash.  
Have you got more than 20  
How much do you want'  
What's your price  
13.60 on more than 20. Got 2 diff. other one 14"*

- Client Steve

Image No. 274011.jpg-274012.jpg: a client demanding a regular supply

Considers further,

Having considered the evidence presented by the prosecution, the Court shall now proceed to highlight the salient facts resulting therefrom:

## Salient Evidence

- **PC760 Christopher Saliba** saw the defendant driving a Mercedes bearing registration number ACA 696 and was making several stops in Kercem and Sannat where persons were already waiting for him.<sup>50</sup> After a few moments of having made contact with the said individuals, Bedding drove off *“where during my surveillance of that day I could notice Jack stopping several times throughout Kercem and Sannat making contact with several people, after a few seconds he drives away the scene”*<sup>51</sup>.

PS442 Gary Scerri also describes how he witnessed Bedding stopping his car near several people<sup>52</sup>

PS Borg<sup>53</sup> PC Zammit witnessed Bedding stopping in Triq Il-Mithna, Xagħra, exactly under the windmill, where a male person was seen making contact with Bedding’s vehicle and left after a few seconds.<sup>54</sup>

- Upon his arrest Bedding confirmed that it was legal to carry around the sachets of green substance found in his man-bag, thus **confirming ownership** of the said substance:<sup>55</sup> *“It is mine, I can carry them.”*, saying nothing of the small plastic bags and digital scales.<sup>56</sup>

PS Pomroy also witnessed Bedding driving in several villages around Gozo, stating: *“when I asked him what he was going to do with the amount of cannabis that we found in his bedroom he told me that he just bought it try it because he never tried cannabis grass and this was his first time that he was going to try it.”*<sup>57</sup>

She adds that the defendant informed her that *“he never tried cannabis, he wanted to try it and that is why he bought cannabis. ....And when I asked him why did he buy that amount and what he was going to do if he did not like it, he told me he was going to throw it away.”*<sup>58</sup>

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<sup>50</sup> Fol.82

<sup>51</sup> Fol.79

<sup>52</sup> Fol.111

<sup>53</sup> Fol.45

<sup>54</sup> Fol.48

<sup>55</sup> Fol.49

<sup>56</sup> Fol.50

<sup>57</sup> Fol.164-165

<sup>58</sup> Fol.166-167



- The observations made by the various Police officers were corroborated by the **sworn statements and testimonials** of two individuals who admitted having purchased drugs from Bedding and having seen him traffic in drugs (per Vella):
- Welday admits to buying cannabis grass *“I used to buy from a certain Jack, an English guy and from Malta also. In Malta the price is cheaper....I used to buy two to three grams and it used to cost me around 60 euros...I used to call Jack and ask him. He used to tell me where he was, normally around Victoria main parking and I used to go there and buy”*.<sup>59</sup>
- Welday indicated the number 77992656 as Jack’s number<sup>60</sup>. The mobile phone number indicated by Welday was confirmed as pertaining to Jack Bedding by the court appointed technical expert Max Xuereb who analysed the defendant’s phone previously seized upon Bedding’s arrest.
- The mobile phone of the make iPhone had been seized from Bedding’s vehicle upon his arrest by PS Eman Borg and PC Kyle Zammit.
- Alan Mario Vella corroborated that which the police had observed in Xaghra: Bedding received a message and proceeded to phone someone saying “*gej gej*” and they drove to Xaghra near the windmill. *“Jack ghaddielu pakkett haxica tal-kannabis u il-guvni l-iehor tah 15 euro ta’ din ..... rajtha, kienet sustanza hadra go plastic baggie”* <sup>61</sup>
- Vella confirms that when Jack Bedding opened his bag to pass on the drug to the man who had seconds earlier entered the vehicle, he could see other packets containing the same substance.
- Corroborating Welday - who mentions that he used to meet Jack near the parking area - Vella mentions how Bedding dealt drugs near the Victoria Hotspurs football ground, used as a parking area and which is situated above the back entrance to greens which he had gone to purchase some items. The said area is sited below the main parking area in Victoria (next to the bus terminus).<sup>62</sup>

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<sup>59</sup> Fol.60

<sup>60</sup> Ibid.

<sup>61</sup> Fol.188

<sup>62</sup> Fol.188-189

- Vella had stated that he saw Bedding serving a coloured man who was passed on a packet in return for money “*Dak il-hin innutajtu jghaddi pakkett u gabar il-flus*”.<sup>63</sup> Vella also admits to having bought cannabis from Jack in August 2021.<sup>64</sup>
- Vella had also confirmed on oath that he did not believe Bedding was a user but only sold drugs.
- The same witness explained how the money he received from the sale was placed in the car’s console. Police had found seventy five euros (€75) cash in the same place.

Thus, there can be no doubt that Bedding is to be found guilty of trafficking in cannabis. The **eye-witness** accounts coupled to the **sworn testimonies** of Welday and Vella substantiate and prove the first charge attributed to Bedding. The **chats** with a number of individuals to which reference has been made above, when the court considered the extraction data from Bedding’s phone, also attest to the trafficking charge and bolster the prosecution’s case.

With regards to the second charge, the finding of the substantial amounts of cannabis, the fact that Vella saw how Bedding had several sachets in his bag similar to the one he had sold to a certain Kieran in Xaghra, the number of sachets found during the searches in his residence and garage<sup>65</sup> and not least

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<sup>63</sup> Fol.188

<sup>64</sup> Fol.189

<sup>65</sup> Fol.45-46 per PS Eman Borg: *“I made a search on his person that resulted in negative and then began a search in the vehicle and we found one mobile phone that belonged to Jack, a black man-bag with **five (5) sealable bags with green substance**, seventy-five euro (€75), a residence key and Transport Malta document. After we went to his residence, 54, Majestic Farmhouse, Triq ix-Xuxa, Kerċem, and in his room we found inside a chest of drawers one sealable bag with a red line containing green substance, two sealable bags and a plastic bottle transparent with traces of green substance, a mobile phone box and we found as well a white sock that contained amount of empty sealable bags [Doc.MM7] that are new ..... In the chest of drawers there were **a sealable bag with a red line that contained green substance, two other sealable bags and a plastic bottle with traces and a white sock that you showed me,..... with and amount of sealable bags that are new and inside the sock there was as well digital scale.** Inside his room there was as well **a blue bin that had plastic bags without corners. [Doc.MM6]** ..... those are the plastic bags that were found in his blue bin inside his room. Then we went to make a search in the garage. There was a black Skoda without registration number and inside there was **a sealable bag with green substance and another sealable bag with traces.** We sealed everything in front of Jack and then we escorted him to the police headquarters in Floriana.”.*

the multitude of images showing large quantities of the drug and its being packed as well as images of numerous sachets in the various photographs found on Bedding's phone, including of the drug being weighed, serve to prove that the cannabis found in his possession was most certainly not intended for his personal use.

### Quantity and Purity of Drugs Found

**Dr. Godwin Sammut** informed the court that tetrahydrocannabinol was found on extracts taken from the green buds forming part of the exhibits he had analysed.

**The total weight of the plant buds was thirty-nine point one eight grams (39.18grs) and the purity was approximately twelve per cent (12%).** The digital scale was also analysed and likewise traces of **tetrahydrocannabinol was found** on it.<sup>66</sup>

The Court of Criminal Appeal in the proceedings **Il-Pulizija vs Lawrence Fabri**<sup>67</sup> had occasion to pronounce itself on the elements of the offence of possession of a drug not intended for personal use, the offence with which the defendant stands charged in the second charge.

Similarly, to the facts of this case, the drugs – in that case cocaine – were found in diverse places, manifesting that it was not for personal consumption. The same reasoning pervaded the court's learned considerations when it was noted that the large amount had been hidden, lying around the house and in different vehicles and had not been consumed.

In Bedding's case the numerous sealed bags which were found, some hidden, could leave no doubt that the defendant was trafficking, a crime to which not only the police officers surveilling him witnessed but which was also proven by the sworn testimony of two individuals and the chats found on his mobile phone.

The cash he was flaunting and his obsession with luxury items in particular Rolex watches and other clothing accessories, evidenced in the images on his phone continue to seal the prosecution's case against Jack George Bedding who

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<sup>66</sup> Fol.113. Vide Report **Doc.GS** a fol.115 et seq

<sup>67</sup> Per Mdme Justice Edwina Grima; Appeal No.243/2016. Decided on the 27<sup>th</sup> April, 2017.

was not merely possessing cannabis not intended for his personal use but also trafficking it.

In the above-mentioned case the Court held:

Biss din il-Qorti ma tistax ma tirrimarkax kif droga li l-appellanti jammetti li kien xtara erbat ijiem qabel ma gie intercettat mill-pulizija ma gietx ikkunsmata minnu jekk jikkontendi illi huwa bniedem li jabbuza mid-droga u li kien xtara dak l-ammont ta' kwazi seba grammi droga kokajina ghall-uzu personali tieghu! Mhux biss, izda din id-droga ma instabix kollha f'post wiehed, izda kienet imxerreda in parti fuq il-persuna ta'l-appellanti, filvettura tieghu u parti ohra fir-residenza tieghu.....

Issa qabel xejn jinghad illi l-ligi taghna mkien ma' tispecifica illi l-pussess irid ikun wiehed bl-intenzjoni ta' spacc. Il-ligi titkellem dwar il-pussess li jindika li dan mhuwiex ghall-uzu esklussiv tal-hati u ghalhekk l-argument ta' dritt li iressaq 'il quddiem l-appellanti huwa bir-rispett ibbazat fuq premessi legali zbaljati. Illi l-appellanti jaghmel referenza ghal-legislazzjoni ingliza u cioe' il-Misuse of Drugs Act 1971 billi hemmhekk il-ligi titkellem car u tonnd fuq "possession with intent to supply", bil-Prosekuzzjoni allura trid necessarjament tipprova tali intenzjoni u cioe' li ser isir xi forma ta' traffikar, haga li mhijjex indikata fil-ligi taghna li titkellem biss dwar il-pussess ta' droga li jindika li dan mhuwiex ghall-uzu esklussiv tal-hati, u mhux il-pussess bl-intenzjoni ta' l-ispacc. Illi ghalhekk ghalkemm kif inghad, hemm din id-distinzjoni fina bejn il-legislazzjoni taghna u dik Brittanika, l-prova hija l-istess dwar l-inferenza li tista' issir mill-gudikant. Madanakollu jerga' jigi ribadit illi l-prova fil-ligi ingliza hija wahda iktar iebsa fuq il-Prosekuzzjoni li trid necessarjament tipprova l-intenzjoni ta' l-ispacc kuntrarjament ghal-ligi taghna fejn l-intenzjoni trid tkun tali li tindika li din ma kenitx ghall-uzu esklussiv tal-hati. Dan huwa indikat b'mod car fis-sentenza **il-Pulizija vs Jason Mallia** li din il-Qorti ser taghmel referenza ghalha meta hemm imghallem superjorment:

"Dak li l-ligi tirrikjedi hu li jigu pruvati cirkostanzi li jissodisfaw lill-Qorti sal-grad tal-konvinciment morali "li dak il-pussess ma kienx ghall-uzu esklussiv tal-hati". Fi kliem iehor, jekk persuna jkollha pussess ta' droga li mhix bi hsiebha tuza, tali pussess ikun jammonta ghal pussess mhux ghall-uzu esklussiv tal-pussessor, anke jekk il-pussessor ikun ghadu ma ddecidiex kif bi hsiebu jiddisponi altrimenti minn dik id-droga. Bil-kelma "uzu" il-legislatur ried ifisser "konsum", u cioe' li l-pussessor juza huwa stess dik id-droga ossia jabbuza minnha billi jikkonsmha. Ghalhekk, persuna li ma jkollhiex il-hsieb li tuza ddroga izda li zzomm dik id-droga ghandha minghajr raguni valida skond il-ligi biex eventwalment tara x'taghmel biha, ikollha mhux biss pussess ta' dik id-droga, izda dak il-pussess ma jkunx jista' jinghad li hu ghalluzu esklussiv taghha<sup>68</sup>"

Illi maghmula din id-distinzjoni xortawahda bhal fil-ligi ingliza l-prova tista' issir minn inferenza tac-cirkostanzi tal-kaz fejn il-gurisprudenza brittanika tindika hekk.

"Evidence from which intent to supply may be inferred will include at least one or, more usually, a combination of the following factors:

- Possession of a quantity inconsistent with personal use.

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<sup>68</sup> 02/09/1999

- Possession of uncut drugs or drugs in an unusually pure state suggesting proximity to their manufacturer or importer.
- Possession of a variety of drugs may indicate sale rather than consumption.
- Evidence that the drug has been prepared for sale. If a drug has been cut into small portions and those portions are wrapped in foil or film, then there is a clear inference that sale is the object.
- Drug related equipment in the care and/or control of the suspect, such as weighing scales, cutting agents, bags or wraps of foil (provided their presence is not consistent with normal domestic use).
- Diaries or other documents containing information tending to confirm drug dealing, which are supportive of a future intent to supply, for example, records of customers' telephone numbers together with quantities or descriptions of drugs.
- Money found on the defendant. was considered in R v Batt (1994) Crim. LR 592. It is not necessarily evidence of future supply. It may be evidence of supply in the past but on its own the money is not evidence of a future intent to supply.
- Evidence of large amounts of money in the possession of the defendant, or an extravagant life style which is only prima facie explicable if derived from drug dealing, is admissible in cases of possession with intent to supply if it is of probative significance to an issue in the case R v Morris (1995) 2 Cr. App. R. 69. 18
- Extravagant lifestyle, but only when that is of probative significance to an issue in the case.<sup>69</sup>

Fil-fatt l-artikolu 3(3) tal-UN Convention Against Illicit Traffic in Narcotic Drugs jistabilixxi ai fini tal-pussess aggravat tad-droga illi:

“Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.”

Dan ifisser allura li aktar mill-kwantita jew ammont ta' droga li tinsab filpussess tad-delinkwent, huma ic-cirksotanzi kollha tal-kaz u x'inferenza tista issir mill-istess li ghandha tiggwida lill-gudikant meta si tratta tar-reat tal-pussess aggravat ta' droga ikun x'ikun l-ammont , kwalita jew kwantita ta' droga involuta. Illi l-qrati Maltin jiggwidaw lil min hu imsejjah biex jiggudika illi ghalkemm l-ammont ta' droga misjuba ghand il-persuna suspettata hija indikattiva madanakollu mhux din ic-cirkostanza biss hija indikattiva tal-pussess aggravat u allura imxew fuq dak stabbilit fil-Konvenzjoni tal-Gnus Maghquda surriferita. Illi allura l-Ewwel Qorti iggwidat b'dawn il-linji gwida guriprudenzjali u legali sewwa ghamlet meta minn ezami tac-cirkostanzi tal-kaz setghet fid-diskrezzjoni fdato lilha bil-ligi tinferixxi illi d-droga li instabet fil-pussess ta'l-appellanti kienet tali li tindika li din ma kenitx intiza ghall-uzu esklussiv tieghu.

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<sup>69</sup> [www.cps.gov.uk](http://www.cps.gov.uk)

Maghmula allura dawn il-konsiderazzjonijiet ta' dritt huwa bil-wisq evidenti li l-interpretazzjoni li l-appellanti qed jintenta jaghti lir-reat addebitat lilu ma huwiex wiehed ghal kollox korrett billi qed jistrieħ iktar fuq id-definizzjoni mogħtija fid-dritt ingliz iktar milli dak lokali fejn il-ligi mkien ma' tindika illi l-pussess irid ikun wiehed "with intent to supply" izda wiehed li "mhux għall-uzu esklussiv tal-hati" distinzjoni sottili hafna li madanakollu ma igorrx mieghu l-piz iebes li hemm fuq il-prosekutur brittaniku kuntrarjament għal prosekutur malti. Kwindi anke dan laggravvju qed jigi rigettat.

In view of the foregoing and in particular the unassailable evidence brought forward by the prosecution, the Court finds that the Prosecution has proven its case beyond reasonable doubt and thus Bedding is being found guilty of trafficking in cannabis as well as of its possession in circumstances indicating that it was not destined for personal use.

## II. Breach of Bail Conditions

The prosecution exhibited a copy of the defendant's bail conditions in proceedings being conducted before this court differently presided (Case No. 27/2019). The conditions are dated the 6<sup>th</sup> June 2019 and, as guarantee by the defendant abiding by the said conditions, the said Court imposed a total bail bond of twelve thousand euros (€12,000).<sup>70</sup>

Amongst the conditions is that laid down in Para.4 which stipulates the defendant in those proceedings "*does not commit any crime of a voluntary nature while on bail*". Inspector Mercieca also confronts the defendant in his interrogation with this fact, to which the defendant exercised his right not to answer.<sup>71</sup>

The offences of which Bedding stands charged in these proceedings refer to February 2022 and during the previous months, namely until March 2021. Vella testifies that he had purchased drugs from Bedding in August 2021, thus even this instance is covered by the period within which the defendant is being charged as having committed the first three offences.

The fact that the proceedings in which the bail conditions were given were definitely decided on the 11<sup>th</sup> October 2022 have no bearing on the merits of the third charge brought against him, as was stated in a recent judgement delivered by the Court of Criminal Appeal.

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<sup>70</sup> Doc.MAM3 a fol. 12

<sup>71</sup> Doc.MM1 a fol.39

In **Il-Pulizija vs Keith Gravina** the Court had before it a case wherein a defendant who was charged with breach of bail conditions given in relation to a particular proceeding, was subsequently acquitted from the offences he had been charged with in the latter proceedings. The Court held:<sup>72</sup>

Illi huwa indubitat illi l-leġislatur ried joħloq reat ġdid meta fassal l-Artikolu 579 tal-Kapitolu 9 tal-Liġijiet ta' Malta sabiex kull min jażżarda jkser ordni ta' qorti fuqu imposta li tkun ikkonċedietlu il-ħelsien mill-arrest jiffaċċja s-sanzjoni tal-liġi. Dan ifisser illi r-reat li dwaru l-appellant kien mixli fil-preżenti istanza huwa reat ad hoc, u immaterjalment jekk hu kienx illiberat mill-akkużi miġjuba fil-konfront tiegħu fil-proċeduri penali fejn kien ġie lillu koness dan il-ħelsien mill-arrest, tista' tirrizulta r-reita' xortawaħda jekk tkun seħħet vjolazzjoni tad-digriet tal-Qorti.....

Illi fil-kaz de quo, ġie ampjament ippruvat li l-appellant kien marbut, permezz tal-kundizzjonijiet tal-ħelsien mill-arrest imposti fuqu nhar is-16 ta' Mejju 2019 mill-Qorti tal-Maġistrati, illi jirrapporta ġewwa l-Għassa tal-Pulizija tal-Belt Valletta, kuljum bejn it-tmienja ta' filghodu u s-sitta ta' filgħaxija. Ġie ppruvat ukoll li l-appellant ripetutament kiser tali kundizzjoni mposta fuqu, u baqa' jkser l-ordni tal-qorti għalkemm l-Uffiċjal Prosekutur tah aktar minn ċans wiehed biex jikkonforma ruħu. Għalhekk ma hemm l-ebda dubbju li l-Ewwel Qorti kienet korretta meta sabet lill-appellant ħati tal-imputazzjoni dedotta kontrih.

Consequently, given that the conduct by Bedding has been determined to have taken place in the months spanning between March 2021 until February 2022, the prosecution has satisfactorily proven that Bedding violated his bail conditions as decreed on the 6<sup>th</sup> January 2019.

### III. Charge No. 4: Dangerous Driving

All the officers surveilling Bedding attest in no unclear terms to the defendant's dangerous driving. So much so that they make mention of the fact that they could not keep up trailing him given the dangerous and reckless manner in which he was driving his car, particularly the high velocity with which the Mercedes was being driven.

Alan Mario Vella also bears witness to such perilous behaviour and describes how he himself was frightened by it. He explained "*meta konn niezlin mix-Xagħra beda jsuq bi speed qawi hafna, naf li meta tlajna mir\_ramla ghamel doughnut bil-karozza igifieri beda idur bi speed qawwi u jdur bil-kontra. Jien bdejt nghidlu Be Careful ghax kont qed nibza .... anke meta konna gol-parking tal-Hotspurs jiena gbidtlu l-attenzjoni u qadtlu sabiex ma jsuqx hazin ghax kien hemm it-tfal mexjin. Hemm obdini u ma ghamel xejn*".<sup>73</sup>

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<sup>72</sup> Per Hon. Mdme Justice Dr. Edwina Grima. Appeal No: 156/2022. Decided on the 24<sup>th</sup> February, 2023

<sup>73</sup> Ibid.

With reference to Bedding's driving that day he adds: *"There were points where he was driving normally and there were other moments where the road was a bit empty, so he accelerated a little bit, so I'd say he was driving a little bit aggressive at times, but mostly most of the time he was not doing that because obviously the roads are small, so..... mean when you pull on the gas, obviously the car is going to drive aggressively whether you want it or not."*<sup>74</sup>

Describing what she classified as dangerous driving PS Pomroy adds: *"He was driving a Mercedes ....ACA 696...He was doing burnouts near a playing field. One time he went to Ramla l-Hamra, and the same he was doing burnouts there and going up the hill, coming down again, doing burnouts. He was driving all over Gozo, and we were following him." However he drove so fast that they lost sight of him.*<sup>75</sup> Pomroy confirms that the defendant told her *"he never tried cannabis, he wanted to try it and that is why he bought cannabis. ....And when I asked him why did he buy that amount and what he was going to do if he did not like it, he told me he was going to throw it away."*<sup>76</sup>

In view of the foregoing the Court finds that this charge has also been amply proven. There remains no doubt as to the reckless and dangerous driving by Jack Bedding.

#### IV. Driving without a valid licence: Charge No.5

**Saviour Farrugia**, in representation of Transport Malta, testified that Bedding was **not licensed to drive** in Malta, adding that a foreign driving licence has a validity period of one year from the day of arrival in the Maltese Islands.<sup>77</sup> The Mercedes registration number ACA696 was registered in the name of Jane Bramley and had been so registered since the 2<sup>nd</sup> February 2022.<sup>78</sup>

**Jane Bramley** testified that she owns a Mercedes and a Polo but drives the Polo whilst her son **Jack drives the Mercedes** which he had even bought and registered in her name.<sup>79</sup>

Consequently, Bedding is also being found guilty of this charge.

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<sup>74</sup> Fol.195-196

<sup>75</sup> Fol.166

<sup>76</sup> Fol.166-167

<sup>77</sup> Fol.72-73. Vide **Doc.SF** a fol.74

<sup>78</sup> Fol.136 et seq

<sup>79</sup> Fol.76



## V. The Sixth Charge: Driving without insurance coverage

**Sarkis Ankeshian**, in representation of Atlas Insurance, explained that the car insurance policy for the Mercedes number ACA696 was registered in Jane Bramley's name and covers drivers "over the age of twenty-five (25)". It was incepted on the 15<sup>th</sup> November 2021. He explains "Any driver under the age of twenty-five, on this policy, is not covered. We would repudiate any claims from our end".<sup>80</sup>

Article 3 of the *Motor Vehicles Insurance (Third-Party Risks) Ordinance, Chapter 104 of the Laws of Malta* provides:

3. (1) subject to the provisions of this Ordinance, it shall not be lawful for any person to use or to cause or permit any other person to use a motor vehicle on a road unless there is in force **in relation to the user** of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Ordinance .....

Learned defence counsel, in his final submissions, submits that this legal provision should be interpreted in the sense that it is the vehicle which only needs to be insured and not the driver making use of the said vehicle.

The Court of Criminal Appeal, in a recent well-studied decision **Il-Pulijiza (Spettur Nicholas Vella) Vs Mohammed Knaan**, dealt with jurisprudence regarding the said legal provision and put paid to the defendant's line of defence by examining the *ratio legis* of Chapter 104 of the Laws of Malta:<sup>81</sup>

L-aggravju imessaq mill-Avukat Generali hu bazat fuq l-Artikolu 3 tal-Kapitolu 104 tal-Ligijiet ta' Malta u l-interpretazzjoni taghha. Dan l-Artikolu jipprovdi s-segwenti:

Din l-Onorabli Qorti tosserva li kemm l-ewwel Qorti kif ukoll l-Avuakt Genrali qed ighidu li l-posizzjoni taghhom tirrifletti l-mratio legist al-legislatur meta l-Ligi giet draftjata. Sabiex jigi skartat kwalsiasi incertezza legali, din il-Qorti sejra tirriproduci l-estratt dwar dak li intqal fil-Parlament meta din il-Ligi kienet qed tigi diskussa.

*"ABBOZZ TA' LIĠI LI JEMENDA L-ORDINANZA DWAR LASSIGURAZZJONI TA' VETTURI TAL-MUTUR GĦAR-RISKJI TA' TERZI PERSUNI  
MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) (AMENDMENT) BILL*

*L-ordni għat-Tieni Qari ġie moqri.*

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<sup>80</sup> Fol.254

<sup>81</sup> Per Hon. Mdme Justice Dr. Consuelo Scerri Herrera; Appeal No.: 479 / 2022. Decided on the 7<sup>th</sup> February, 2023

Ikompili mit-12 ta' Novembru 2002.

Il-mistoqsija reġgħet tqiegħdet.

MR SPEAKER: Il-Ministru Ċensu Galea huwa in possession.

ONOR. ĊENSU GALEA (Ministru għat-Trasport u Komunikazzjoni): Mr Speaker, il-bieraħ filgħaxija bdejt il-winding up u kont qed ngħid li mill-mod li bih tkellmu l-kelliema taż-żewġ naħat tal-Kamra jidher li kulhadd huwa konxju millproblemi li għandna f'dak li huwa l-immanigġjar tat-traffiku fil-pajjiż u dwar il-bżonn ta' ċerti miżuri li huma meħtieġa biex nipprovwaw intejbu l-kwalita' tassewqan u s-sitwazzjoni tat-traffiku f'pajjiżna. Wieħed jista' jgħid li dan l-abbozz ta' liġi jikkellem ukoll dwar il-ħtieġa ta' kumpens fuq claims li jsiru mill-insurances ta' dawk li jhossu li huma aggravati b'rizultat ta' incident partikolari, dwar il-mod ta' kif issir l-assigurazzjoni tal-vetturi u dwar il-mod ta' kif tinżamm l-informazzjoni dwar dawk li jkunu assigurati u dwar id-drittijiet li joriġinaw minn insurance cover li toħroġ b'rizultat tal-policy marbuta ma' l-insurance f'pajjiżna.

Sur President, punt li ssemma mill-kelliema taż-żewġ naħat tal-Kamra kien jirrigwarda l-ħtieġa li kull vettura tkun verament inxurjata, u dan irrispettivament mill-eta' ta' sid il-vettura. Hawnhekk kien hemm riferenza għallkwestjonijiet li qamu riċentement dwar l-insurance ta' persuni li huma taħt il-21 sena. Issemmiet il-ħtieġa li dawn il-persuni m'għandhomx jiġu eliminati millinsurance cover tagħhom, anzi għandu jkun assigurat li bħal persuni l-oħrajn kollha, dawn ikunu wkoll covered bl-insurance. Huwa importanti li l-preparazzjoni li ssir biex wieħed jieħu l-liċenzja tas-sewqan tkun preparazzjoni tali li dak li jkun, irrispettivament mill-eta', ikun jista' jingħata l-insurance cover li hija meħtieġa biex isuq vettura. F'dan l-abbozz ta' liġi hemm indikazzjoni ċara ta' x'tip ta' insurance għandu jkun hemm għad-diversi vetturi. Hemm bżonn li din l-informazzjoni tkun miġbura għand il-bord li jkun responsabbli minnha biex jiġi assigurat li l-vetturi kollha jkunu inxurjati ħalli jekk kemm-il darba jkun hemm claims minn xi persuna jew grupp ta' persuni li jhossu li għandhom dritt li jingħataw xi kumpens minħabba xi incident li kienu involuti fih, ikun mod kif jiġi stabbilit kif inhuma inxurjati u x'informazzjoni oħra marbuta ma' insurance bħal din.

Sur President, f'dan l-abbozz jingħad ukoll il-mod ta' kif wieħed jista' jkun inxurjat, il-mod ta' kif kumpannija li tagħmel l-assigurazzjoni tista' twaqqaf milli vettura tkun covered u x'għandu jsir f'każ bħal dan. Ovvjament ma nistgħux inħallu li wieħed jitlef l-insurance cover tiegħu mingħajr ma jkun informat għaliex. Ma jsiatx ikun li wieħed jitlef l-insurance cover tiegħu sempliciment għax xi ħadd fettilu jagħmel hekk. **Id-dritt li vettura tkun inxurjata m'huwiex biss obbligu minnaħa ta' min jipprovdi l-insurance, imma huwa dover ta' min għandu liċenzja li jsuq f'dan il-pajjiż jew f'xi pajjiż ieħor. Min isuq irid ikun covered b'insurance biex ikun żgurat li jekk kemm-il darba ikun involut f'incident ikun jista' jsewwi l-ħsarat u jingħata l-kumpens.** Kif qal l-Onor. Debono Grech il-bieraħ ikun għal xejn li wieħed ikollu insurance cover biex ikun jista' jingħata ammont ta' flus jekk fl-incident li kien involut fih imut jew jibqa' korrut b'mod permanenti. L-ideali jibqa' dejjem li ma jkunx hemm incidenti ħalli ma jkunx hemm ħtieġa li jingħata l-kumpens. Pero' r-relata' tal-ħajja tibqa' waħda, irridu jew ma rridux xorta jibqa' jkollna incidenti. Allura b'din il-liġi qed jiġi assigurat li f'każ li jkun hemm incident u jintalab kumpens għal dawk il-ħsarat li jkunu graw ikun hemm il-mod ta' kif dan il-kumpens jiġi mogħti.

Sur President, f'dan l-abbozz ta' liġi qed jingħad ukoll li rridu naraw li mhux biss il-vetturi li huma registrati Malta jkunu covered b'insurance, imma anke l-vetturi li jiġu minn barra, biex b'hekk jiġi assigurat li jekk kemm-il darba dawn il-vetturi jkunu involuti f'xi incident tat-traffiku dawn ikunu jistgħu jingħataw il-kumpens meħtieġ. Bl-istess mod irid jiġi assigurat li meta vetturi ta' sidien Maltin ikunu barra minn Malta jkunu wkoll covered b'insurance biex kemm-il darba jkun hemm xi incident ikun hemm il-garanzija wieħed ikun jista' jiġi kompensat għad-danni li jista' jikkawża kemm fuq vetturi kif ukoll fuq persuni li jkunu qegħdin fl-istess karozza miegħu jew fuq persuni li jkunu f'karozzi oħra. Barra minn hekk dan labbozz għandu artiklu gdid li jagħti l-poter lil min ikun responabbli mit-trasport li minn żmien għal żmien jagħmel il-verifiki meħtieġa fuq il-karozzi, b'mod partikolari dawk li jiġu minn barra minn Malta ħalli jaraw li dawn huma covered b'insurance għax jista' jkun li wieħed jgħid li għandu insurance cover, jew forsi ma jgħid xejn, imbagħad meta jikkawża xi incident jinstab li ma kienx hemm insurance cover. Qed jingħad ukoll li jekk persuna li tkun residenti f'Malta jew f'xi wieħed mill-istati li jissemgħu fl-istess abbozz ta' liġi tkun involuta f'xi incident għandha dritt tinizzja l-proċeduri – l-abbozz fih id-dettalji kif dan jista' jsir – biex tiġi kompensata għad-danni li tkun sofriet. F'dan ir-rigward ukoll il-kumpanniji li jipprovdu l-assigurazzjoni għandhom irid ikollhom regolamenti dwar il-mod ta' kif jinħatar rappreżentant tagħhom jekk kemm-il darba jkun hemm incidenti barra minn Malta li jirrigwardaw claims. Fil-fatt fl-abbozz hawn id-dettalji kollha dwar kif kumpannija li qed tipprovdi l-insurance tkun tista' tagħmel dawk il-verifiki neċessarji biex ikun assigurat li jiġri fejn jiġri l-incident ikunu jistgħu jingħataw dawk id-drittijiet li joħorġu mill-koperta ta' l-insurance li wieħed ikollu.

Sur President, permezz ta' dan l-abbozz se jitwaqqaf korp li jagħti kumpens lillpartijiet li jkunu offiżi li jkunu residenti f'Malta. Dan il-bord irid jara x'tip ta' kumpens irid jagħti ħalli nassiguraw li jkollna kriterji ċari dwar kif jingħataw kumpens. Wieħed jista' jgħid li matul iż-żmien kellna sitwazzjonijiet fejn wieħed forsi jdum ħafna biex jirċievi kumpens, imbagħad meta eventwalment jirċievi dak il-kumpens tqum diffikulta' dwar jekk il-kumpens li ngħata kienx wieħed baxx u affarijiet oħra b'hal dawn. Allura qed jitwaqqaf dan il-korp biex jassigura li l-kumpens li jingħata jkun wieħed li jagħmel tajjeb għall-ħsara li tkun saret. L-ikbar diffikulta' li niffaċċjaw u li trid tiġi mħarsa hija l-mod ta' kif jiġi kkalkolat id-dannu fuq il-persuni u liema persuni għandhom dritt jingħataw kumpens. Dwar dan għad iridu joħorġu avvizi legali li jikkellmu dwar il-kriterji partikolari li għandu jkun hemm għar-rigward ta' dan il-kumpens.

**F'dan l-istess abbozz hawn l-obbligu li kull vettura li tkun fit-toroq tagħna trid tkun covered b'insurance.** Kemm-il darba qrajna jew smajna b'persuni li kienu involuti f'incidenti tat-traffiku waqt li kienu qegħdin isuqu l-vettura l-vettura 26 tagħhom, u dawn ma kellhomx cover ta' insurance. Kulħadd jaf li dan huwa riskju qawwi u bla bżonn min-naħa ta' dawk il-persuni li jkunu qegħdin isuqu vettura. Meta tqis l-ammont kbir ta' karozzi li nkunu involuti fl-eluf ta' incidenti tattraffiku kull sena bilfors ikollok tgħid li wieħed ikun qed jirriskja ż-żejjed meta jkun qed isuq karozza li ma tkunx inxurjata. Min jieħu riskju b'hal dan barra li jista' jsib ruħu f'pożizzjoni li jkollu jħallas għad-danni li jkunu saru, agħar minn hekk jista' jdaħħal f'inkwiet ikbar persuni oħrajn li jkunu korruti jew lill-familjari ta' dik ilperusna li tkun korriet jew alla ħares mietet. **Allura irid jiġi assigurat li kull persuna li tkun qed issuq jkollha insurance cover.**<sup>82</sup> Jiena naħseb li issa wasal iż-żmien li wieħed jista' jibda jħares lejn il-possibbiltà bl-mezzi elettronici li għandna u

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<sup>82</sup> Enfasi tal-Qorti

*b'kollaborazzjoni ma' l-aġenziji ta' l-insurances tingabar informazzjoni biex jiġi assigurat li l-vetturi kollha li jkollna f'pajjiżna jkunu covered b'insurance.*"<sup>83</sup>

Ghalhekk in vista tas-suespost din il-Qorti temmen li is-sewwieq ta' vettura ghandu ukoll ikun kopert bi polza ta' sigurta'. F'din il-kawza l-appellat ma kellux licenzja tassewqan u ghalhekk ma setax kien kopert bi polza ta' sigurta' li hemm esebita fl-atti registrata f'isem haddiehor. Jekk persuna tinsab hatja ai termini tal-Artikolu 3(1) tal-Kap. 104 tal-Ligijiet ta' Malta ghandu ikun impedut milli jzomm jew jottjeni licenzja tas-sewqan ghall-perjodu ta' sena mid-data tas-sentenza ta' htija.

Il-Qorti ghandha id-diskrezzjoni li f'certi cirkostanzi u ghar ragunijiet specjali tista izzid jew tnaqqas il-perijodu tal-iskwalifika jew tordna li l-iskwalifika ma tinghatax.

Din il-Qorti fis-sentenza **il-Pulizija vs Angelo Cassar** deciza fit-2 ta' Frar 1957 qalet li:-

*"il-fatt li wiehed jahseb li jkun 'covered' ma hux affattu, sic et simpliciter, 'special reason'. Kif din il-Qorti kellha okkazjoni tirrileva, din il-frazi 'special reasons', fil-kuntest ta' din il-Ligi, gejjja mil-Ligi Ingliza, u l-pont ta' l-'special reasons' gie ferm kunsidrat mill-Qrati Inglizi, u nkitbu diversi testi in materja. Fil-kawza 'Bennison vs Knowler, All England Law Reports, p. 302, 1947, gie ritenut li l-assikurat hu fid-dover li jinforma ruhu dwar il-portata tal-polza, jekk ma jifhimx sewwa lestensjoni tal-'cover' taghha; u li, biex ikun hemm 'special reason', jehtieg li mhux biss hu haseb, anke jekk onestament, li kien kopert, imma jehtieg li kien hemm xi cirkustanzi li kienu ragjonevolment jiggustifikawh jahseb hekk."*

The learned court's last consideration finds no application in the case under review since no such defence was put forward by my learned counsel.

Nonetheless, this extract goes to show the deviant nature of the defendant who thought nothing of driving recklessly and perilously risking life and limb of other drivers and pedestrians who, had they fallen victim to some ill-fated incident, would have found no insurance cover.

## VI. The Seventh Charge: Recidivism

Although the prosecution presented a judgement delivered against the defendant dated the 26<sup>th</sup> September 2017<sup>84</sup> wherein besides being given a conditional discharge of one (1) year, Bedding was also condemned to the payment of a fine, *multa*, no evidence was brought forward to confirm that the said fine had been paid and thus that there had been the expiration of the sentence.

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<sup>83</sup> Sessjoni Plenarja Seduta numru : 814 – l-Erbgha 13 ta' Novembru 2002 p.567 et seq.

<sup>84</sup> **Doc.MAM6** a fol.16 et seq

In **Il-Pulizija vs Omissis, Jason Galea** the Court of Criminal Appeal considered:<sup>85</sup>

Illi madanakollu din il-Qorti tqies illi l-appellanti qatt ma seta jigi misjub hati ta'l-akkuza tar-recidiva fit-termini ta'l-artikolu 50 tal-Kapitolu 9 tal-Ligijiet ta' Malta billi fis-sentenza li issir referenza ghaliha bhala prova tal-addebitu ta' recidiva u cioe' dik tat-22 ta' Jannar 2010, kienet giet imposta piena pekunjarja konsistenti f'multa, liema multa mill-fedina penali esebieta in atti jidher illi thallset fil-05 ta' Lulju 2012, u kwindi ma jistax jinghad illi s-sentenza kienet giet "skontata" fit-termini tal-ligi. Kwindi ghalkemm tirrizulta ir-recidiva taht l-artikolu 49, izda l-artikolu 50 ma huwiex applikabbli ghal kaz.

Years before the same Court, differently presided in its decision in **Il-Pulizija vs Lydon Cutajar held**:<sup>86</sup>

Kwantu ghal-multa nflitta permezz tas-sentenza tas-27 ta' April 2011, peress illi jirrizulta illi fis-27 ta' Awissu 2012, din kienet ghadha ma thallsixx (ara verbal tas-seduta tal-11 ta' Settembru 2012 u Dok. "MB" a fol. 24 – 26), allura l-piena kienet ghadha ma gietx "skontata", u l-Artikolu 50 mhux applikabbli. Kwindi hu applikabbli biss l-Artikolu 49 tal-Kapitolu 9 tal-Ligijiet ta' Malta firrigward biss tas-sentenza msemmija tas-27 ta' April 2011.

Consequently, notwithstanding that the defendant committed a crime within the period of five years from the date of his last finding of guilt, the Court is precluded from finding that he is a recidivist in terms of Article 50 of the Criminal Code.

## **Punishment**

In its considerations on punishment the Court gave weight to the fact that from the evidence it results most clearly that the defendant's criminal conduct was no solitary act but one spanning months. The images coupled to the testimonies given by Vella and Welday confirm this, leaving no room for interpretation as learned defence counsel in the course of final submissions contends.

It ought to be underlined that Helenio Galea testified that whilst the defendant was in prison, routine urine tests were carried out and the defendant always resulted negative to drugs. The test performed on his date of admission, the 14<sup>th</sup> February, 2022, resulted negative, adding that traces of cannabis use can be detected in one's urine for up to two - three months since consumption.<sup>87</sup> Even

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<sup>85</sup> Per Onor. Mdme Justice Edwina Grima. Decided on the 31<sup>st</sup> May, 2017. Appeal No.: 434/2016

<sup>86</sup> Per Onor. Mr. Justice David Scicluna. Decided on the 6<sup>th</sup> February, 2013

<sup>87</sup> Fol.237 et seq

years before in 2019 when Bedding had also been admitted to prison, he had also tested negative.<sup>88</sup> This corroborates what Alan Vella stated namely that Bedding only sold drugs but did not consume same.

This goes to show how the defendant's interest was only that of exploiting financially the dependence on cannabis of others. His goal of simply profiteering off that dependence is attested by the flaunting of large amounts of cash he habitually photographed holding.

Such demeanour portrays the defendant as a person deprived of the most basic of values and moral fibre who notwithstanding his relatively young age, allowed himself to be ridden by criminal instincts, having no qualms to enrich himself whilst ensuring that he did not partake of the same habits enslaving his clientele. There is no doubt that the defendant is a real and palpable threat to society, not least to its most vulnerable members addicted to unbridled substance abuse, thriving on their unrestrained habits.

Bedding well and truly has lost his right to live within the community until such time as he has rehabilitated himself.

The Court notes that to the very end Bedding, who is no first-time offender, showed a sheer lack of willingness to change tack in the manner he chose to live his life, manifesting through his indifference that little does he respect the laws which are intended to protect society from the trafficking in illicit substances, driving perilously endangering life and limb with a total disregard to the fact that potential victim would have no easy recourse to compensation or reparatory proceedings given he lacked basic insurance.

More worrying is Bedding's total disregard for authority, where he thought nothing of violating, on countless occasions, a court's decree which released him from incarceration.

Through his actions Bedding abused of the Court's trust only to continue to enrich himself at the expense of others.

Finally, the court takes note of the fact that the second offence served as a means for the commission of the first offence, that of trafficking.

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<sup>88</sup> Fol.237

## Forfeiture of the Mercedes

Given that the charges refer to February 2022 and the previous months, an image of the Mercedes's logbook in Bedding's iPhone acquires significance for purposes of Article 3(2)(i) of Chapter 101 of the Laws of Malta. In fact IMG\_4293.PNG shows the date of registration of Mercedes ACA 696 as being that of the 14<sup>th</sup> January 2021 where it is registered in the name of a Jack George Bedding Identity Card No.0124230A.<sup>89</sup>

The logbook provides the following details:

*"I. Date of registration to which this certificate refers: 14/01/2021"* and in C.1.1. it is **Jack George Bedding** who is listed as the vehicle's registered owner of the Mercedes bearing registration number ACA696. Its period of validity is listed as *"[H].Unlimited"* and *"[Y].System number 310381"*.

Saviour Farrugia, at time of testifying on the 30<sup>th</sup> March 2022,<sup>90</sup> attested to the fact that the vehicle had been registered on Bedding's mother. However, documentation he presented indicates that the last change of ownership had taken place on the 2<sup>nd</sup> February 2022<sup>91</sup>, only a mere ten (10) days before Bedding's arrest. This details perfectly corroborates the fact that in the previous year, commencing in January 2021, the vehicle was registered in Bedding's name.

Moreover, the mother testifies, much to her son's indignation (who it must be remembered had to be escorted out of the court room due to the running commentary he had decided to engage in whilst his mother was on the stand)<sup>92</sup>, that it was Jack who had bought the vehicle *"My son"*.<sup>93</sup>

There can be no doubt that Bedding owned the vehicle in question during the period within which he is charged as having committed drug offences. Learned Prosecuting Officer presented on oath a document which, *inter alia*, shows the ownership history of the Mercedes ACA696.<sup>94</sup> Jack George Bedding (Identity

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<sup>89</sup> D:\Apple iPhone 11 Pro Max (2022-07-21 23h42m21s)\phone\_files\phone\raw0\DCIM\124APPLE (IMG\_4293)

<sup>90</sup> Fol.136

<sup>91</sup> **Doc.SFZ** a fol.137. It would have been of value had transport Malta exhibited a list of previous owners although Bedding himself documented through the image saved on his phone that he had owned the vehicle before transferring ownership, at least as documented in TM's records, on his mother.

<sup>92</sup> Fol.76-77

<sup>93</sup> Fol.76

<sup>94</sup> **Doc.MM2A** a fol.41 et seq

Card No.: 0124230A) was the owner of the Mercedes Benz in question as of the 14<sup>th</sup> January 2021 until the 2<sup>nd</sup> February 2022 when the vehicle's ownership was transferred on to his mother Jane Bramley.<sup>95</sup>

## Decide

The Court, whilst not finding the defendant Jack George Bedding guilty of the charge of recidivism in terms of Article 50 of the Criminal Code, having seen articles 17(b)(h), 18, 31, 49 and 579(1)(2) of the Criminal Code, Articles 8(d), 8(e), 22(1)(a), 22(2)(b)(i) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, Regulations 4 and 9 of Internal Control of Dangerous Drugs Rules, S.L. 101.02, Article 15(1)(a) of the Traffic Regulation Ordinance, Chapter 65 of the Laws of Malta and Articles 3(1)(2)(a) of the Motor Vehicles Insurance (Third-Party Risks) Ordinance, Chapter 104 of the Laws of Malta, finds the defendant guilty of all the other offences with which he stands charged, and condemns him a term of imprisonment of **two (2) years** and to the payment of a fine (*multa*) of four **thousand (€4,000) Euros**.

In terms of Article 533 of the Criminal Code, orders the defendant to pay the amount of **€1,723.56c** representing expert fees

Moreover, since the defendant was found guilty of the third offence, and taking into consideration the gravity of the offences for which he is being found guilty, in terms of Article 579(1)(2) of the Criminal Code, the Court orders that the sum of **eleven thousand and five hundred Euros (€11,500)** stated in the bail bond shall be forfeited to the Government of Malta.

The Court is also hereby ordering the destruction of the illegal substances exhibited in these proceedings, once this judgement becomes final and definitive, which destruction should be done under the supervision of the Registrar, duly assisted by Court Expert Dr. Godwin Sammut, who shall also draw up a process verbal documenting the destruction procedure. The said process verbal shall be inserted in the records of these proceedings by not later than fifteen days from the said destruction.

Furthermore, in terms of Article 15(2)(3) of the Traffic Regulation Ordinance, Chapter 65 of the Laws of Malta and Article 3(2A) of Motor Vehicles Insurance (Third-Party Risks) Ordinance, Chapter 104 of the Laws of Malta, Jack George Bedding is disqualified from holding or obtaining a driving licence for a period of three (3) years.

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<sup>95</sup> Fol.43



In accordance to Article 23 of the Criminal Code and Articles 22(2)(b) and 22(3A)(c) of the Dangerous Drugs Ordinance, the Court orders that the vehicle, a Mercedes Benz bearing registration details ACA696, **Doc.MM2**<sup>96</sup> is being forfeited in favour of the Government of Malta.

Finally, the Court orders that a copy of this Judgement is notified to the Commissioner of Police in order to investigate Jack George Bedding for possible breaches of Article 3 of the Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta, and of the Arms Act, Chapter 480 of the Laws of Malta.

**Dr. Donatella M. Frendo Dimech**  
**Magistrate**

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<sup>96</sup> Fol.40