



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.  
LAURENCE QUINTANO**

Sitting of the 1 st February, 2010

Number. 495/2009

**The Police  
(Inspector Dennis Theuma)  
vs  
Jason Lee Holland  
Sheri Anne Steedman**

The Court,

Having seen the charges laid against Jason Lee Holland, 30 years of age, son of Alex and Pamela nee' Shakeshaft, born in Ormskirk UK on the 4<sup>th</sup> July 1970 and currently residing at 7058 Madliena Village Madliena, holder of British Passport bearing number 208268152 and holder of ID card number 43129 (A).

And

Sheri Anne Steedman, 38 years of age, daughter of unknown father and Jane born in Oxford on the 17<sup>th</sup> July

1971 and residing 708 Madliena Village Madliena, holder of British Passport bearing number 706660012 and holder of ID card number 42394 (A).

Charged with having on the 8<sup>th</sup> September 2009 and in the weeks preceding this date on these Islands:

(a) Sold or otherwise dealt in the whole or any portion of the plant cannabis in breach of Section 8 (e) of Chapter 101 of the Laws of Malta

**Jason Lee Holland** alone charged for having on the 8<sup>th</sup> September 2009 and in the weeks prior to this date on these islands:

(b) been in possession of the whole or any portion of the plant cannabis in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta under circumstances denoting that it was not intended for his personal use

(c) had in his possession the drugs (heroin) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or otherwise to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of the Dangerous Drugs Regulations (GN 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to him for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (GN 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

(d) Assaulted or resisted by violence or active force not amounting to public violence, PS 891 Oscar Baldacchino, WPS 136 Charlene Ciantar and WPC 297 Rhian Spiteri, persons lawfully charged with a public duty when in the

execution of the law or of a lawful order issued by a competent authority.

(e) Reviled, or threatened, or accused a bodily harm to persons PS 891 Oscar Baldacchino, WPS 136 Charlene Ciantar and WPX 297 Rhian Spiteri lawfully charged with a public duty, while in the act of discharging their duty or because of having discharged such a duty, or with intent to intimidate or unduly influence them in the discharge of such duty.

(f) Caused slight injuries on the person of PS 891 Oscar Baldacchino, WPS 136 Charlene Ciantar and WPC 297 Rhian Spiteri, public officers who were lawfully charged with a public duty or are or were officers or employees of a body corporate established by law and the offence was committed because of those persons having exercised their functions

(g) Disobeyed the lawful orders of any authority or of persons entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what he has been lawfully done by other persons

**Sheri Anne Steedman** alone accused for having on the 8<sup>th</sup> September 2009 and in the weeks preceding this date on these Islands:

(a) been in possession of the whole or any portion of the plant cannabis in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta

The Court was 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 criminal record sheets of the defendants (pages 9 and 10), the orders of the Attorney General (pages 11 and 12), the consent of the Attorney General (pages 13 and 14), the consent of defendant Jason Lee Holland for summary proceedings, the statement made by

defendant Jason Lee Holland (page 37 to 40), the statement made by the defendant Sheri Anne Steedman (page 41 et), the medical certificates on pages 47, 48, and 49, the process verbal drawn up by Magistrate Dr A Micallef Trigona entitled 'Statement on oath of Sheri Ann Sheedman on the 9<sup>th</sup> September 2009, the process verbal drawn up by Magistrate Dr.L.Quintano 'Cannabis found at no 708 Busietta Gardens Triq il-Fortizza Madliena on the 8<sup>th</sup> September 2009, the photographic report drawn up by PS 404 Paul Camilleri (page 98), the report drawn up by Pharmacist Mario Mifsud (page 106 et), the report drawn up by PC 1253 Frederick Brincat, the report drawn up by Mr Martin Bajda, the appointment of Mr Joseph Mallia to take the finger prints of the two defendants (6<sup>th</sup> November 2009 page 6 of Volume II), the report drawn up by Mr. Joseph Mallia and the photographs marked as Document DT (page 14 of Volume II).

Having heard the witnesses on oath.

Has considered.

According to the Prosecution, the Executive Police carried out a search on 708 Madliena Village, Madliena on the 8<sup>th</sup> September 2009. The defendant Jason Lee Holland tried to close the door twice in the sergeant's face and the defendant also tried to throw away the packet he had in his hand. The same defendant became aggressive and even slightly injured three police officers. The Executive Police retrieved all the evidence and they forwarded it to Pharmacist Mario Mifsud. The search also yielded more cannabis grass (page 25), Defendant admitted that she had a strong addiction.

In his statement the defendant Jason Lee Holland admitted that he did not smoke (page 39). He also said that he had borrowed the scales and the sachets from a friend. (page 39). In fact he said,

*'I had so much stuff I did not know what to do with it and it was far too much to smoke for one person since I don't*

*smoke and I was thinking of getting rid of it by giving it to others.'*

He also said that he had not attacked the police but he had felt scared.

On the other hand, in her statement to the Police – which she subsequently confirmed on oath before the Inquiring Magistrate – the other defendant, Sheri Anne Steedman, said that a month before she had obtained 400 grammes of cannabis for 450 Euros. Her mobile showed the other defendant holding the two parts of the packet containing the cannabis grass she had bought.

On the same day she took the cannabis grass she received a telephone call. She then went to wait for the male person outside the Park Towers Supermarket and she was given two packets. The next day the same person demanded 1000 Euros and she eventually paid them.

She also showed the co-defendant a telephone number of a person called X and who was actually supplying the drug. Probably the co-defendant copied the number.

She also recounted how ten days before her arrest she was with the co-defendant in her rented car when a phone call reached them. A Maltese man came up with a packet and asked for 800 Euros. The defendant said:

*'I got about 160 Euros from my pocket and the co-defendant took out of his pocket the remaining amount difference to make it to 800 Euros and handed over the money to the Maltese guy driving the pick up who then threw the packet from Jason's open window into the car. This packet containing cannabis grass was wrapped in newspaper'*

The defendant Sheri Anne Steedman admitted that other objects found in her house connected with drug abuse were hers. (See also page 68).

WPS 136 Charlene Ciantar and WPS 120 Caroline Jiacono described how the search of the 8<sup>th</sup> September 2009 was carried out. They referred to the resistance set up by the defendant and the way he threw away the packet he had in his hand. WPS 120 Caroline Jiacono also described how she tried to hold the defendant's hand while he threw the object on the canopy below.

Mr Mario Mifsud, the expert analyst appointed by the Court, confirmed that the substance found amounted to 887.4 grams of herbal cannabis which was detected in all the four exhibits. The average purity of the herbal cannabis was found to be circa 7.83%. There were ten pieces in all with one weighing 680.2 grammes.

Having seen that the defendant Jason Lee Holland filed a guilty plea (i) to charges (c)(d)(e)(f)(g) on the 6<sup>th</sup> November 2009 and then to all the charges laid against him on the 20<sup>th</sup> November 2009 which guilty pleas he confirmed after being given enough time to reflect upon them.

Having seen that the defendant Sheri Anne Steedman filed a guilty plea on the 1<sup>st</sup> December 2009 (page 11 of Volume II) which guilty plea she confirmed after being given enough time to reflect upon it.

Then the charges against each of the defendants have been proved in accordance with the law.

The Court has also heard submissions about punishment made jointly by the Prosecution and the defence lawyer appearing for Mr Jason Lee Holland on the 20<sup>th</sup> November 2009 with a suggestion of a punishment of a term of imprisonment of 3 and half years together with a pecuniary penalty. (See volume II page 7)The Court is going to take this point into consideration in the concluding part.

As to defendant Sheri Anne Steedman, with reference to the last charge marked once again (a) on the charge sheet, the Court has noted that she is a strong user of cannabis. Her sworn statement before the Magistrate reveals that she had bought a substantial amount of cannabis in the month before her arrest. **Even if this was cannabis was meant for her personal use, our Courts still consider these amounts as very serious and merit a strong prison tariff and a stiff pecuniary penalty.**

As to charge (a) – the first one in the charge sheet – her behaviour fell within the definition of trafficking according to section 22(1B) of Chapter 101, as soon as she indicated a telephone number of a person, whom she obviously knew to be a supplier of drugs, to her co-defendant. Giving information about a source is also considered as trafficking. She also ‘lent’ or ‘gave’ 160 Euros so that the co-defendant could buy the cannabis on offer. She was aware that the co-defendant had stopped taking drugs long before and hence it is logical to conclude that she knew that the co-defendant was not buying all that amount to keep it for himself. The car used was the one she had hired. She was also present during the transaction. She definitely became an accomplice in accordance with article 42(c) of Chapter 9 and the accomplice merits the same punishment as the principal.

The co-defendant remarked that the police had foiled his attempt to traffic the cannabis. In accordance with section 22(5) of Chapter 101, attempts to traffic are punished in the same way as trafficking. He had also given the drug to the co-defendant.

In any case, both defendants pleaded guilty to the charges.

## **Conclusion**

**Defendant Sheri Anne Steedman**

As far as the defendant Sheri Anne Steedman is concerned, the Court, having seen articles 8(e) 8(d) 22(1)(a), 22(2)(b)(i)(ii), and 22(1B) of Chapter 101 of the Laws of Malta and article 17(b) of Chapter 109 of the Laws of Malta finds the defendant guilty of the two charges, both marked (a), one at the beginning of the charge sheet and the other at the end of the charge sheet.

In considering the penalty the Court is taking the following into consideration:

- (i) The defendant has a clean record sheet.
- (ii) She filed a guilty plea though admittedly a substantial number of Prosecution witnesses had already taken the witness stand.
- (iii) The application of section 17(b) of Chapter 9.
- (iv) The Court is also taking into account that this defendant has not been charged with any misconduct against the police officers who were carrying out their duties during the search or with the imputation marked (b).

On the other hand, the Court has to consider that this defendant was in possession of a substantial amount of cannabis.

The Court has also considered the submission made by the defence lawyer of Mr. Jason Lee Holland and the Prosecution regarding the term of imprisonment. The Court, however, has to take into account what was said in paragraph (iv) above. So the Court is condemning defendant Sheri Anne Steedman to a term of imprisonment of 35 months and to the payment of fine (multa) of €4680 which fine (multa) may be paid within eighteen months from today. Should the defendant fail to pay the whole of the fine (multa), then this fine (multa) should be converted into six months imprisonment in

accordance with article 11(3)(proviso) of Chapter 9. Should she fail to pay part of it, then the part not paid should be converted in accordance with the law but any period of imprisonment should not exceed either 6 months or more than the total of number of days possible at 11.65 Euros *per diem* whichever is less between the two alternatives.

### **The defendant Jason Lee Holland**

As far as the defendant Jason Lee Holland is concerned, the Court, having seen sections IV and VI and articles 8(e), 22(1)(a), 22(2)(b)(i)(ii) and 22(1B) of Chapter 101 of the Laws of Malta, regulation 9 of GN 292/1939, and articles 17(b), 17(h), 96, 95(1),92, 221(1) (c), 338(dd) and 31(1)(f) (xiv)(xiii) of Chapter 9 of the Laws of Malta finds the defendant Jason Lee Holland guilty of all the charges laid against him so however that charges (e)(f)and (g) are considered as absorbed in the charge marked (d) in accordance with section 17(h) of Chapter 9.

In considering the punishment, the Court is taking into account the following facts: (i) that the defendant has a clean criminal record ; and

(ii) that he has filed a guilty plea though a substantial number of some witnesses for the Prosecution had already been heard.

(iii) It is also applying section 17(b) of Chapter 9.

(iv) Considers that the submission made by the defence lawyer and the Prosecution regarding the term of imprisonment is appropriate given all the circumstances.

The Court is condemning him to 42 months imprisonment and to the payment of a fine (multa) of €4680 which fine (multa) may be paid within eighteen months from today. Should the defendant fail to pay the whole of the fine (multa), then this fine (multa) should be converted into six months imprisonment in accordance with article 11(3)(proviso) of Chapter 9. Should he fail to pay part of it, then the part not paid should be converted in accordance with the law but any period of imprisonment

should not exceed either 6 months or more than the total of number of days possible at 11.65 Euros per diem whichever is less between the two.

### **Section 533 of the Laws of Malta**

In accordance with the terms of section 533 of the Laws of Malta the Court condemns each of the defendants to pay one half of the expenses incurred in connection with experts appointed during the inquiry (€154.90 + €652.40 + €58.25+ €507.80 = €1373.35 ) that is each of the defendants has to pay €686.68 or any other bill for expenses issued by the Registrar.

**The Court is not including the fees of the expert appointed to take the finger prints of the two defendants (Mr Joe Mallia).**

Section 22 of Chapter 9 applies as the defendants have been in prison since their arraignment. One defendant has not used her bail conditions.

The Court is ordering the destruction of the drug under the supervision of the Court Registrar.

**Finally the Court is recommending to the prison authorities to check whether the defendants need any medical attention or any psychological or any other help.**

**< Final Judgement >**

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