



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF COMMITTAL**

**MAGISTRATE DR.
JOSEPH A. APAP BOLOGNA**

Sitting of the 8 th April, 2011

Number. 417/2011

**The Police
(Inspector Dr Mario Cuschieri)**

Vs

Richard Alistair Cranston

The Court

Having seen the European Arrest Warrant issued by the Public Prosecutor's Office of Catania in Sicily, Italy against Richard Alistair Cranston, hereafter to be known as "the person" wherein it is stated that the person is wanted by the Italian authorities, as a Scheduled Country in accordance with article 5 of Legal Notice 320 of 2004 for the purposes of serving the remainder of a custodial sentence of imprisonment imposed for the extraditable offences of trafficking in narcotics, in regard to which offence, his surrender to Italy is being sought.

Having seen the certificate issued by the Attorney General in accordance with article 7 of the same legal notice.

Having seen the request for the person's extradition to the above mentioned Judicial Authority.

Having seen all the acts relative to this case.

Having considered

That, as can be seen from the record of proceedings (page 7 of the acts) in regard to the sitting held in the 16th of March 2011, the Court concluded the stage of the proceedings known as "the initial hearing". As can be seen also from the decree delivered in the same date (page 33 et seq ibid), the Court ascertained that the person as described in the European Arrest Warrant is the same person who stood in front of the same Court and subject to these proceedings.

That having concluded this stage of these proceedings the Court proceeded to the second stage of these proceedings that is to say, "the extradition hearing". As can be seen from the record of the proceedings of the sitting held in the 22nd of March 2011 and on the 28th of March 2011, during the last sitting mentioned, the person voluntarily and of his own free will declared, present also his defence counsel, that he is not opposing his extradition to the Judicial Authority involved. Having informed the person that this consent is irrevocable, the same person declared also that his consent was being given without prejudice to the rule of speciality. In this regard, the parties agreed that against the person criminal proceedings are pending before the Maltese Courts in connection with charges brought against him in connection with drug trafficking in Malta. In regard to these proceedings, the Court was informed that evidence is being produced by the person in his defence.

In view of this, the same person requested that he be kept in Malta until the latter proceedings are finalized and that

he be granted bail until he can be actually sent back to Italy.

That in this regard, in connection with the request made by the person, the criminal proceedings in Malta are of a summary nature and, in fact, the Court was informed that the person is to produce evidence in his defence. Therefore the Court is of the opinion and is in fact convinced that, in this case, there is no need that the return of the person to the requesting state be postponed until the proceedings in Malta be finalized (vide “II-Pulizija vs Emanuel Borg” decided by this Court on the 7th of September 2007 and the motivations in which the Court arrived at its conclusion). In view of this, the Court sees no reason why the return of the person is to be postponed.

Therefore the Court orders that Richard Alistair Cranston be kept in custody and that he be returned to Italy in accordance with the European Arrest warrant involved for the purpose of serving the remaining of the custodial sentence specified in the same warrant and imposed on him in regard to the extraditable offence of trafficking in narcotics.

This order is being made subject to the rule of speciality. Moreover as soon as the same person is released from prison after serving the remainder of the above sentence, he is to be returned to Malta so that the criminal proceedings brought against him in the Maltese Court can continue and be concluded. Moreover the Court is informing the person that should he feel that his human rights have been, are or can be infringed, he can seek a remedy under the Constitution of Malta and/or Chapter 319 of the Laws of Malta.

< Final Judgement >

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