

**IN THE CRIMINAL COURT**

**Hon. Patrick Vella B.A., LL.D., Mag Juris (Eur Law)**

**Bill of Indictment  
15/2001.**

**The Republic of Malta**

**Vs**

**Steven John Caddick  
Phillip Walker  
Steven Peter Cushnahan**

This 5<sup>th</sup> day of March, 2002.

The Court,

Having seen Bill of Indictment 15/2001.

Having heard and seen the verdict given by the Jury during the sitting of the 4<sup>th</sup> March, 2002 whereby the Jury (1) by six (6) votes in favour and three (3) votes against found **Steven John Caddick** not guilty of the charge under the First Count, by six (6) votes in favour and three (3) votes against found the same said **Steven John Caddick** guilty of the charge under the Second Count, and by six (6) votes in favour and three (3) votes against found the same said **Steven John Caddick** guilty of the charge under the Third Count; (2) by six (6) votes in favour and three (3) votes against found **Phillip Walker** guilty of the charge under the Second Count, by six (6) votes in favour and three (3) votes against found the same said **Phillip Walker** guilty of the charge under the Third Count, and by seven (7) votes in favour and two (2) votes against found the same said **Phillip Walker** guilty of the charge under the Fourth Count, and (3) by six (6) votes in favour and three (3) votes against found **Steven Peter Cushnahan** guilty of the charge under the Second Count without the circumstance, however, that the offence was under such circumstances which show that possession of the dangerous drug (cocaine) was not for the exclusive use of the said **Steven Peter Cushnahan**, and by six (6) votes in favour and three (3) votes against found the same said **Steven Peter Cushnahan** not guilty of the charge under the Third Count.

Declares **Steven John Caddick** not guilty of the charge brought against him under the First Count and consequently acquits him therefrom; whereas it declares him guilty of the charge brought against him under the Second Count,

that is of knowingly having been in possession of a dangerous drug (cocaine) in breach of the law and this in circumstances which show that such possession was not for his exclusive use, and declares him guilty also of the charge brought against him under the third Count, that is of having, with another one or more persons in Malta, and outside Malta, conspired for the purpose of committing an offence in violation of the Dangerous Drugs Ordinance, and specifically of importing and dealing in any manner in cocaine, and of having promoted, constituted, organized and financed such conspiracy.

Declares **Phillip Walker** guilty of the charge brought against him under the Second Count, that is of knowingly having been in possession of a dangerous drug (cocaine) in breach of the law and this in circumstances which show that such possession was not for his exclusive use, it also declares the said **Phillip Walker** guilty of the charge brought against him under the Third Count, that is, of having, with another one or more persons in Malta, and outside Malta, conspired for the purpose of committing an offence in violation of the Dangerous Drug Ordinance, and specifically of importing and dealing in any manner in cocaine, and of having promoted, constituted, organized and financed such conspiracy, and also declares the said **Phillip Walker** guilty of the charge brought against him under the Fourth Count, that is, of knowingly having been in possession of a dangerous drug (the whole or any portion of the plant Cannabis) specified and controlled under the provisions of Part III, First Schedule, of the Dangerous Drugs Ordinance, when not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law.

Declares **Steven Peter Cushnahan** guilty of the charge brought against him under the Second Count, that is, of knowingly having been in possession of a dangerous drug (cocaine) in breach of the law without the circumstance, however, that the offence was under such circumstances which show that possession of the dangerous drug (cocaine) was not for his exclusive use, and declares the same said **Steven Peter Cushnahan** not guilty of the charge brought against him under the Third Count and, consequently, acquits him therefrom.

Having heard Defence Counsel Dr. Jose' Herrera and Prosecuting Counsel Dr. Mark Said regarding the punishment to be awarded to the above-mentioned ***Steven John Caddick, Phillip Walker, and Steven Peter Cushnahan*** with regard to the charges on which they have been found and declared guilty.

Having seen the records of these proceedings, having considered all the circumstances of the case, including the nature, quality and amount of the drugs involved (cocaine and cannabis) with respect to each one of the said three persons found and declared guilty, having taken into consideration the time spent in preventive custody by each of the said three persons, having considered that ***Steven Peter Cushnahan*** has a long medical history of a serious heart condition

as has been proved during these proceedings by relative evidence to the Court's satisfaction, having seen the clean conduct sheet of all these persons found and declared guilty, having seen that the verdict of the Jury is not a unanimous one, as well as having considered any other circumstances which might be relevant.

Having seen Sections 2 (1), 4, 9, 10, 10 (1), 12, 14, 14 (1) (5), 15A, 20, 22 (1) (a) (b) (i) (f) (1A) (1B) (2) (a) (b) (i), (3A), (c) (d), 22E, 22 (1G) (2) (a) (aa) (bb) (ii), 22F, 26 (1) (2) of the Dangerous Drugs Ordinance (Chapter 101), Regulation 8 of the 1939 Regulations for the Internal Control of Dangerous Drugs (Legal Notice 292/39), also Sections 17 (b), 20, 22, 23, 17(h) and 533 of the Criminal Code, as well as sections 5 (2) (b) (d) and 15 of the Immigration Act.

Sentences the said **Steven John Caddick** to imprisonment for a period of thirteen (13) years (from which period is to be deducted the time he has already spent up to today in preventive custody) and to a fine (Multa) of Twelve thousand Maltese Liri (Lm12,000) convertible into an additional one year imprisonment if it is not paid according to law; and further orders him to pay to the Registrar of these Courts, within one month from today, the sum of One Hundred and Ten Maltese Liri (Lm110) being his share from the total Court experts' fees incurred in these proceedings.

Sentences the said **Phillip Walker** to imprisonment for a period of fifteen (15) years (from which period is to be deducted the time he has already spent up to today in preventive custody) and to a fine (Multa) of Twelve Thousand Maltese Liri (Lm12,000) convertible into an additional one year imprisonment if it is not paid according to law, and further orders him to pay to the Registrar of these Courts, within one month from today, the sum of One Hundred and Ten Maltese Liri (Lm110) being his share from the total Court Experts' fees incurred in these proceedings.

Sentences the said **Steven Peter Cushnahan** to imprisonment for a period of two (2) years (from which period is to be deducted the time he has already spent up to today in preventive custody), and to a fine of Six thousand Maltese Liri (Lm6000) convertible into an additional six (6) months imprisonment if not paid according to law, and further orders him to pay to the Registrar of these Courts, within fifteen days from today the sum of Fifty Maltese Liri (Lm50) being his share from the total Court Experts' fees incurred in these proceedings.

Orders the forfeiture in favour of the Government of Malta of the entire immovable and movable property of each of the three persons found and declared guilty in which the offence took place as described in the Bill of Indictment.

Orders the destruction of all the drugs exhibited under its authority in these proceedings unless the Attorney General, by a Note filed not later than a week from today, declares that such drugs are required in connection with some

other proceedings. The destruction of said drugs is to be carried out by chemist Mario Mifsud who is being appointed for the purpose.

The said Mario Mifsud is to file a Proces-Verbal in the record of these proceedings detailing the said destruction, and such Proces-Verbal is to be filed not later than a month from today.

Finally the Court is declaring the said **Steven John Caddick, Phillip Walker and Steven Peter Cushnahan** to be prohibited Immigrants under Section 5 (1) (d) of Chapter 217 (Immigration Act) and by virtue of Section 15 of the same Act orders that a Removal Order be made against each of the said three persons which shall become operative only and as soon as each one of them has served his prison sentence.

Joseph Sammut  
Dep/Registratur