



CRIMINAL COURT

**THE HON. MR. JUSTICE
MICHAEL MALLIA**

Sitting of the 10th July, 2013

Number 9/2012

Bill of Indictment No. 9/2012

THE REPUBLIC OF MALTA

versus

**STEPHEN JOHN BRADBURY
(Holder of British
Passport Nr. 800493013)**

Today the 10th July, 2013

The Court,

Having seen the bill of indictment number 16 of the year 2010 whereby the Attorney General in the name of the Republic of Malta declared that:

1) After the Attorney General premised in the First Count of the Bill of Indictment that on the sixth day (6th) day of May of the year two thousand and eleven (2011)

and during the previous weeks STEPHEN JOHN BRADBURY decided to start dealing, trafficking and exporting drugs illegally into the Maltese Islands in agreement with others.

In fact on the dates abovementioned, the accused conspired and agreed with other persons in India, to illegally deal in and export from India to the Maltese Islands a quantity of the drug cannabis resin. STEPHEN JOHN BRADBURY agreed with two Indian nationals that this quantity of the drug cannabis resin was to be imported in the Maltese Islands by means of a luggage which contained a packet filled with more than eight kilograms (8kg) of the drug cannabis resin and also about the route (New Delhi, India to Malta via Dubai) which was to be used for this quantity of drugs to be illegally brought and imported into Malta. For this task the accused was to receive a monetary compensation of five thousand Euros (€5,000). In execution of these pre-concerted plans STEPHEN JOHN BRADBURY agreed to provide all the necessary assistance for this illegal activity to take place, which activity causes untold harm to the Maltese society and an illegal financial gain to the accused, which financial gain was also at the basis of this conspiracy.

In fact, on the 6th of May 2011 the accused boarded flight Emirates Airlines EK513 leaving from New Delhi, India destination Malta (via Dubai), carrying a luggage which contained a packet filled with more than 8kg of the drug cannabis resin. On this date the accused arrived in Malta carrying this luggage filled with drugs.

However before STEPHEN JOHN BRADBURY managed to leave the Malta International Airport he was intercepted by the Police and Customs Officers who affected a search in his luggage. Following this search the Police found a packet, hidden in a false bottom of his luggage, filled with circa 8053.3 grams of the drug cannabis resin with its purity calculated at 10.5% and street value of €51,621.65 as determined later by the Court appointed expert.

The drug cannabis resin is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent, STEPHEN JOHN BRADBURY rendered himself guilty of conspiracy to trafficking in and importing a dangerous drug (cannabis resin) in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses STEPHEN JOHN BRADBURY of being guilty of having, on the sixth (6th) day of May of the year two thousand and eleven (2011) and during the previous weeks with criminal intent, with another one or more persons in Malta, or outside Malta, conspired for the purpose of dealing, importing or selling drugs (cannabis resin) in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or by promoting, constituting, organizing or financing such conspiracy, and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 8, 10(1), 12, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

2) After the Attorney General premised in the Second Count of the Bill of Indictment that within and during the same context of place, time, facts and circumstances

mentioned in the preceding count of this bill of indictment, that is to say on the sixth (6th) day of May of the year two thousand and eleven (2011) and during the previous weeks, STEPHEN JOHN BRADBURY agreed to export from India a quantity of the drug cannabis resin to be imported in the Maltese Islands. While in India the accused agreed with two Indian nationals that this cannabis resin consignment was to be transported in a luggage from India to Malta by air transport. In fact, on the 6th of May 2011 the accused boarded flight Emirates Airlines EK513 leaving from New Delhi, India destination Malta (via Dubai), carrying a luggage which contained a packet filled with more than 8kg of the drug cannabis resin. On this date the accused arrived in the Maltese Islands carrying this luggage filled with drugs. STEPHEN JOHN BRADBURY was not authorized to import such dangerous drugs in terms of Law. The accused therefore managed to knowingly and illegally import in the Maltese Islands a luggage containing the drug cannabis resin.

However before STEPHEN JOHN BRADBURY managed to leave the Malta International Airport he was intercepted by the Police and Customs Officers who affected a search in his luggage. Following this search the Police found a packet, hidden in a false bottom of his luggage, filled with circa 8053.3 grams of the drug cannabis resin with its purity calculated at 10.5% and street value of €51,621.65 as determined later by the Court appointed expert.

The drug cannabis resin is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent, STEPHEN JOHN BRADBURY rendered himself guilty of importing or exporting, or cause to be imported or exported, or take any steps preparatory to importing or exporting, any dangerous drug (cannabis resin) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and

circumstances narrated above, accuses STEPHEN JOHN BRADBURY of being guilty of having, on the sixth(6th) day of May of the year two thousand and eleven (2011), with criminal intent, imported or exported, or cause to be imported or exported, or taken any steps preparatory to importing or exporting, any dangerous drug (cannabis resin) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 8, 10(1), 12, 14, 15A, 22(1)(a)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

3) After the Attorney General premised in the Third Count of the Bill of Indictment that within and during the same context of place, time, facts and circumstances mentioned in the preceding counts of this bill of indictment, that is to say on the sixth (6th) day of May of the year two thousand and eleven (2011) and during the previous weeks, STEPHEN JOHN BRADBURY agreed to export from India a quantity of the drug cannabis resin to be imported into the Maltese Islands. While in India the accused agreed with two Indian nationals that this cannabis resin consignment was to be transported in a luggage from India to Malta by air transport. In fact, on the 6th of May 2011 the accused boarded flight Emirates Airlines EK513 leaving from New Delhi, India destination Malta (via Dubai), carrying a luggage which contained a packet filled with more than 8kg of the drug cannabis

resin. On this date the accused arrived in the Maltese Islands carrying this luggage filled with drugs. STEPHEN JOHN BRADBURY was therefore knowingly and illegally in possession of more than eight kilograms (8kg) of the drug cannabis resin while in the Maltese Islands which drug was found under circumstances denoting that it was not intended for his personal use.

However before STEPHEN JOHN BRADBURY managed to leave the Malta International Airport he was intercepted by the Police and Customs Officers who affected a search in his luggage. Following this search the Police found a packet, hidden in a false bottom of his luggage, filled with circa 8053.3 grams of the drug cannabis resin with its purity calculated at 10.5% and street value of €51,621.65 as determined later by the Court appointed expert.

The drug cannabis resin is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

Consequently by committing the abovementioned acts with criminal intent, STEPHEN JOHN BRADBURY rendered himself guilty of being in possession of a dangerous drug (cannabis resin) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import or an export authorization 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 authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were 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 (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which

drug was found under circumstances denoting that it was not intended for his personal use.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses STEPHEN JOHN BRADBURY of being guilty of having, with criminal intent, of being in possession of a dangerous drug (cannabis resin) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import or an export authorization 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 authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were 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 on the Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for his personal use, and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 8, 10(1), 12, 22(1)(a)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of regulations 2, 9 and 16 of the 1939

Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having heard, during the sitting of the 10th July, 2013, the said Stephen John Bradbury, duly assisted by counsel Dr Malcolm Mifsud, plead guilty to all the charges proffered against him, to which plea he persisted even after the Court, in the most solemn manner, warned him of the legal consequences of such statement and allowed him a short time to retract it in accordance with Article 453(1) of the Criminal Code;

Having heard submissions by counsel for Stephen John Bradbury and by prosecuting counsel on the punishment to be applied in this case; having taken in consideration all the circumstances of the case, including Bradbury's early guilty plea;

The Court,

Finds the accused guilty of having:

1) On the sixth (6th) day of May of the year two thousand and eleven (2011) and during the previous weeks with criminal intent, with another one or more persons in Malta, or outside Malta, conspired for the purpose of dealing, importing or selling drugs (cannabis resin) in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or by promoting, constituting, organizing or financing such conspiracy.

2) On the sixth (6th) day of May of the year two thousand and eleven (2011), with criminal intent, imported or exported, or cause to be imported or exported, or taken any steps preparatory to importing or exporting, any dangerous drug (cannabis resin) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

3) Of having, with criminal intent, of being in possession of a dangerous drug (cannabis resin) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import or an export authorization 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 authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were 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 on the Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for his personal use

Having seen Articles 2, 8, 10(1), 12, 14, 15A, 22(1)(a)(i)(f)(1A)(1B)(2)(a)(i) (3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of regulations 2, 9 and 16 of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, sentences the aforementioned Stephen John Bradbury to a term of imprisonment for fifteen (15) years and to a fine *multa* of twenty thousand euro (€20,000) which will be converted into a further one (1) year imprisonment if the said fine is not paid according to law;

Furthermore condemns him to pay the sum of two thousand and fifty nine Euros and forty four Euro cents (€2059.44) being the sum total of the expenses incurred in the appointment of court experts in this case in terms of Section 533 of Chapter 9 of the Laws of Malta, within fifteen (15) days from today ;

Furthermore, orders the forfeiture in favor of the Government of Malta of all the property involved in the said crimes of which he has been found guilty and other moveable and immovable property belonging to the said Stephen John Bradbury.

And finally orders the destruction of all the objects exhibited in Court, consisting of the dangerous drugs or objects related to the abuse of drugs, which destruction shall be carried out by the chemist Godwin Sammut, under the direct supervision of the Deputy Registrar of this Court who shall be bound to report in writing to this Court when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that said drugs are required in evidence against third parties.

< Final Judgement >

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