



Cannabis tycoon departs St Kitts leaving \$300k in bail and a lot of questions

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Alki David is taken away by police following his hearing on Tuesday. His bail and sureties were increased to EC \$300,000 each and his travel documents returned to him, allowing him to leave the Federation pending his next hearing on September 23.

By Kenichi Serino



According to a statement by the St. Kitts and Nevis director of public prosecutions, David arrived in the Federation at Robert L Bradshaw airport at 6.30am on May 7. With eight passengers and two crew members. On arrival at the airport. David declared 550 cannabis plants which he described as "hemp".

David was detained until 1:30pm on the same day while investigations were carried out. The plants were taken in for testing and David released.

In an interview with *The Observer* on the following day, David said that he was detained in handcuffs with an associate, Charles 'Chase' Ergen. David said his party had been searched and he denied he had done anything illegal. He told *The Observer* that he had come to St. Kitts, with the plants and seeds, to make deals with local farmers to supply his legal cannabis business, SwissX, with raw materials.

What does David want?

Rumours have circulated that David had purchased 300 acres of land on St. Kitts to grow cannabis. But during a press conference on Monday, David denied that he was interested in buying land.

"I don't want any land, let's get this out of the way, we're not here to buy any land from anybody," David said emphatically.

David said he had made distribution deals in North America, including with 3,500 7-11 stores, to supply Swissx cannabis products. He told *The Observer* he is currently processing 1,000 pounds of hemp a week and plans to increase that to 10,000 in a month.

In his interview with *The Observer*, David said he had made 'handshake' deals with four farmers who have 500 acres of land between them.



Alki David poses for a photo during his interview with The Observer at his suite at the Park Hyatt on May 8.

"We're bringing an opportunity to St Kitts which is going to benefit my business, which is to buy as much biomass of hemp we can grow here," David said.

He said this would be done under a "cooperative structure" and would be "very much about self-empowerment."

"We're here to build the regulatory framework. The fact is that this plant is 100 percent legal everywhere else in the world. Here there is no legal framework," said David.

Is cannabis legal?

David refers to his plants as 'cannabis' or 'hemp' and denies emphatically that they should be confused with marijuana as they contain no THC, the chemical which is credited with making its users 'high'. However, in an interview with *The Observer*, Dr. Henry Browne QC said Federation law made no distinctions between non-THC cannabis or marijuana, all were illegal.

"THC does not matter. You would only know that after the plant is grown and you test the plant. The mere possession of the marijuana plant is illegal," Dr. Browne said.

Dr. Browne added that anyone who had made an agreement to cultivate marijuana was at risk of running afoul of the law as it stands.

"It is also illegal to conspire to plant or cultivate marijuana. Having agreed to take a step towards cultivation of marijuana, you have created an offence."

In their statement, the director of public prosecutions said that following their testing, they found the plant's David had attempted to bring into the Federation "were genus of the plant cannabis" and so were consistent with the statutory definition of cannabis under the Drugs Act.

David was arrested on May 9 and charged with possession of cannabis, possession with intent to supply, importation of cannabis and importation of a restricted item. He was released the following day on EC \$30,000 bail, \$30,000 in sureties and upon surrendering his travel documents. He was due to appear in court again on May 14.

Dr. Denzil Douglas' role

Leader of the Opposition and former Prime Minister Dr. Denzil Douglas appeared at David's May 13 press conference and said he was involved in helping David invest in St. Kitts.

"He was interested as an investor in this country, interested in the hemp or cannabis industry which he understood would be emergent and would have prominence especially after the legal cases with regard to marijuana and its various uses in St. Kitts and Nevis," Douglas said at the press briefing.

Douglas said he had been introduced to David through Ergen, who he said was a citizen of St. Kitts and Nevis.

At the time when David was detained at the airport, a photo had circulated on social media of him, Douglas and Ergen in front of a plane. Douglas said the photo was being circulated out of context and had been taken some weeks prior during an earlier visit to St. Kitts by David and Ergen.

Prime Minister's Response?

seeds into the Federation and that [the] administration has not had any conversation with any foreigner about setting up businesses to trade in cannabis.”

The statement also warned that “non-nationals would not be permitted to secure advantages over nationals as we set about to build out a marijuana industry.”

In a second statement, which announced the tabling of a bill to relax marijuana laws in St. Kitts and Nevis, Harris warned that while reform to the law was coming existing cannabis laws remained in effect.

“While we are happy to present a Bill that mirrors the revised national viewpoint on marijuana use, we should be clear that the law is still on the books and before the law is changed persons are expected to comply with the legislation,” Harris said.

During his press briefing David said he had met unsuccessfully with Harris on Sunday. In a statement to *The Observer*, the Prime Minister’s office said that while an encounter did take place it was not planned or initiated by Harris.

“The Prime Minister was awaiting luncheon guests at a hotel last Sunday when Mr. David presented himself before him and attempted to have a discussion,” according to the statement.

“The guests duly arrived, Mr. David walked off. Before he walked off, the Prime Minister did say [to David] “when you come to a country you should get advice from your lawyer and government”.

“The Prime Minister did not reach out to or approach him to set up a meeting,” according to the statement.

David leaves

Media were barred from viewing David’s hearing on May 14, with court workers saying this was due to it being a preliminary inquiry.

David had arrived at the court shortly after 9am on Tuesday wearing a t-shirt, purple Bermuda shorts, flip-flops and a grey blazer. After being advised on the court’s dress code he left, quickly swapped clothes with an associate and returned wearing blue jeans.

Authorities transfer evidence during the hearing for Alki David at the Basseterre Magistrate's Court on Tuesday.

Evidence was taken in to the court house by the authorities including a small tray of what appeared to be cannabis seedlings and a plastic bag containing an item wrapped in tinfoil.

In their press statement, the director of public prosecutions said that David's attorney, Jason Hamilton, made an application to change his bail conditions. This was not objected to by Director of Public Prosecutions Valston M. Graham. Graham did request an increase to the cash element.

Judge Reynold Benjamin increased David's bail to EC \$300,000 and the sureties to EC \$300,000 while his travel documents were returned to David allowing him to leave the Federation. However, he would have to return to court for his hearing on September 23.

A symposium had been scheduled for Wednesday on Swissx's plans for growing cannabis. However, according to a company spokesman this was cancelled as many of the participants were unavailable, including David who had left the country.

According to a police statement on Wednesday, Ergen was in police custody and has been arrested and charged with three offences on Wednesday including use of threatening language, resisting arrest and battery on police. Police said the alleged offences took place at the Park Hyatt on May 12. He will remain in custody pending a bail hearing.