

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

**MAGISTRATE
DR. RACHEL MONTEBELLO**

Case Number 372/2020

**THE POLICE
(Inspector Jonathan Ransley)**

-Vs-

ARDI VIDMAN

Today, 16th June 2021

The Court,

Having seen that **ARDI VIDMAN**, of 32 years was arraigned before her charged with having, during the month of June 2020 and/or the months before in these Islands without authorisation:-

1. Outputted any data, software or supporting documentation from the computer in which it was held, whether by having it displayed or in any other manner whatsoever;

2. Copied any data, software or supporting documentation to any storage medium other than that in which it is held or to different location in the storage medium in which it is held;
3. Took possession of or made use of any data, software or supporting documentation.

Also charge him with during the same date and place:

4. Converted to his own benefit or to the benefit of any other person, data which had been entrusted or delivered to him under a title which implies an obligation to return such thing or to make use thereof for a specific purpose, when he was employed with company Fortis Ltd.

Having seen the consent given by the Attorney General to have the proceedings heard summarily;

Having ordered that the proceedings are conducted in the English language after having heard that the accused does not speak or understand the Maltese language but understands the English language;

Having heard the Prosecuting Officer read out the charges and confirm them on oath;

Having heard the accused plead not guilty to the charges during his examination in terms of Article 392 of the Criminal Code;

Having heard the testimony of the Prosecuting Officer during the hearing of the 17th February 2021 and the documents exhibited and forming part of the acts of the proceedings;

Having heard the accused plead guilty as charged during the hearing of the 15th March 2021;

Having heard the accused confirm his guilty plea even after having been afforded time to reconsider his admission of guilt and to consult again with his lawyer and after having explained to the accused the consequences of his guilty plea, the seriousness of the crimes with which he is charged with having committed and the punishment attached to each of the charges brought against him;

Having acceded to the accused's request that he testifies before the Court in order that the Court may take his testimony into account for the purposes of favourably determining the punishment to be meted out as a result of his guilty plea;

Having heard the accused testify during the hearing of the 19th June 2021;

Having considered;

That in the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court took note of the relatively early plea of guilt registered by the accused, his completely clean conviction sheet and the fact that the accused co-operated fully with the Prosecution, as stated by the same Prosecution and the injured party during the oral submissions made for the purposes of the punishment and as would result also from the statement released by the accused during his interrogation by the Police¹. This co-operation is also amply validated by testimony volunteered by the accused himself during the hearing of the 10th June 2021, where he not only explained the reasons which led him to commit the crimes he is charged with having committed to the detriment of

¹ Statement Dok. JR2.

his previous employer, Fortis Limited, but also provided all the necessary information that would assist the law enforcement authorities to apprehend and arraign a certain Martin, also a former employee of Fortis Limited and the apparent mastermind who persuaded him to commit these crimes. The Court also took note of the fact that as duly registered in the minutes of the hearing of the 10th June 2021, the injured party declared that from its part, it has no claim whatsoever against the accused and neither are there any amounts due to be refunded by the accused to injured party or claims for compensation.

In view of the above, and having regard to the circumstances of the case, including the nature of the offence and the character of the offender, the Court is of the opinion that it is inexpedient to inflict punishment. It also considers that a probation order and that a community service order or a combination of both, are not appropriate in this case.

Thus the Court having seen the relevant provisions of Law, that is Articles 293, 294, 337C(1)(b), 337C(1)(c) and 337C(1)(f) of Chapter 9 of the Laws of Malta, finds ARDI VIDMAN, upon his own admission, guilty of all the charges brought against him and upon application of Article 22(1) of Chapter 446 of the Laws of Malta, discharges him for a period of two (2) years on condition that he does not commit another crime during the said period of conditional discharge.

The Court explained to the offender in the ordinary language that he understood that if he commits and is convicted of another offence during the period of conditional discharge, he will be liable to be sentenced for the original offences he is presently being found guilty of, and this in terms of Section 23(1) of Chapter 446 of the Laws of Malta.

The Court also orders that the records of the proceedings together with this judgement are transmitted to the Attorney General within six (6) working days, in accordance with the terms of Article 392A(2) of Chapter 9 of the Laws of Malta.

Police (Spt. Jonathan Ransley) vs ARDI UIDMAN

Dr. Rachel Montebello B.A. LL.D

Magistrate

Today 16th June 2021

Magistrat Dr. Rachel Montebello B.A. LL.D.