MALTA

COURT OF MAGISTRATES (MALTA)

AS A COURT OF CRIMINAL JUDICATURE

MAGISTRATE DR.

CHARMAINE GALEA

Sitting of the 18 th October, 2014

Number. 1018/2014

The Police
(Inspector Joseph Busuttil)
(Inspector Mario Cuschieri)

vs.

Roderick Macdonald

The Court;

Having seen that the offender **Roderick Macdonald** of seventy six (76) years of age, son of Roderick u Rosina nee` Chiomall, born in United Kingdom on the 1st of July 1938, residing at 123, Flat 3, Triq ta' Cenc, Ta' Sannat, Ghawdex, and holder of British passport number 511245597 was charged:-

With having on the 17th October and in the previous weeks and months, by several acts committed by him, even if at different times, which constitute violations of the same provision of the law, committed in pursuance of the same design:

As a person in Malta, he has made or produced or permitted to be made or produced any indecent material or produced, distributed or disseminated, imported or exported offered, sold, supplied, transmitted, made available, procured for oneself or for another, or showed such indecent material.

Art 208A of Chapter 9 of the Laws of Malta.

Also for having acquired, knowingly obtained access through information and communication technologies to, or having been in the possession of, any indecent material which shows, depicts or represents a person under age.

Art 208A (1B) of Chapter 9 of the Laws of Malta.

The Court was humbly requested, in pronouncing judgment or in any subsequent order, sentence the person convicted to pay the costs incurred in connection with any experts or referee and this in accordance to **Article 533 of Chapter 9 of the Laws of Malta.**

In case of guilt the Court was requested to treat the person charged as a recidivist and this after he has been found guilty by a decision of the Courts of Malta, which decision is has become res judicata and cannot be changed

Article 49 of Chapter 9 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings;

Having heard the offender plead guilty to the charges brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution and the defence;

Considers:

In view of the offender's guilty plea to the charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the offender guilty as charged.

The Court heard the Prosecuting Officers declare that during their investigation they found four (4) photographs of child pornography in the offender's computer, which photographs had been deleted by the same offender but which were nonetheless automatically stored in the computer system.

In the context of punishment or sanction to be meted out to the offender, the Court is taking into consideration the following resulting factors, mainly (1) the nature of the offences; (2) that the offender cooperated fully with the police in their duty to investigate, and (3) that the offender pleaded guilty to the charges at the earliest opportunity in these proceedings.

Therefore, the Court, having seen sections 49, 208 A and 208 A (1B) of Chapter 9 of the Laws of Malta, finds and declares offender **Roderick Macdonald** guilty of all the charges brought against him and condemns him to **eighteen (18) months imprisonment**.

Finally the Court abstains from taking cognizance of the Prosecution's request in terms of section 533 of the Criminal Code since the Prosecuting Officer declared that no expenses were incurred in relation with court experts.

The Court orders that in terms of section 392A this judgement, together with all the acts of this case, be sent to the Attorney General within the time prescribed by law.

< Final Judgement >

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