



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 14 th February, 2015

Number. 187/2015

The Police

(Inspector Joseph Busuttill)

VS

ALAN TEASDALE

The Court,

Having seen that the accused **ALAN TEASDALE**, bearer of UK Passport Number 523155488, was arraigned before her and charged with having on the 13th February and in the previous months and years, 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 have 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.

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.

The Court was requested, in pronouncing judgement or in any subsequent order, sentence the person convicted to pay the costs incurred in connection with any experts or referee.

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 the United Kingdom, which decision has become res judicata and cannot be changed.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular statement of the accused, conviction sheet and passport of the accused.

Having heard the accused declare that he does not understand the Maltese language though he understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 5 of the Judicial Proceedings Act.

Having heard the accused declare that he is indigent, the Court appointed Dr Yana Micallef Stafrace as Legal Aid Lawyer to assist the accused.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused the consequences of his plea of guilt in the presence of his legal aid lawyer and after having given the accused sufficient time to reconsider his guilty plea and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

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 saw that the Prosecution exhibited materially the pornographic material in the acts of these proceedings and heard the same Prosecution request that the Court should authorise the withdrawal of such material by the same Prosecution so that it may be placed on the internet for further criminal investigation by Interpol.

The Court took note what the Prosecution said in that the accused has already been found guilty of a similar crime and this evidence was not contested by the defence and consequently felt that a prison sentence would be ideal in the circumstances.

Thus the Court, having seen the relevant sections at law, in particular Sections 49, 50 and 208A(1B) of Chapter 9 of the Laws of Malta, and decides to find the accused ALAN TEASDALE guilty of the charges brought forward against him by the prosecution and condemns him to eighteen months effective imprisonment.

The Court also upholds the request of the Prosecution to withdraw the pornographic material which was materially exhibited in these proceedings so that it may be placed on the internet for it to be investigated by Interpol.

The Court refrains from taking cognisance of the request of the Prosecution in terms of Section 533 of Chapter 9 of the Laws of Malta

since it does not transpire from an examination of the acts of these proceedings that an inquiry was carried out in relation to this case and consequently it does not result to this Court that there were any experts nominated.

Finally the Court orders that a copy of this judgement together with the acts of these proceedings be sent to the Attorney General within three (3) days in terms of Section 401(3) of the Criminal Code.

< Final Judgement >

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