



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS
MC/CRIM/38/25
Sentencing hearing: 12th January 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

V

MARCO ANDRES LEYTON ESTRADA

MR. STUART WALKER, Crown Counsel, appeared for the Prosecution
MR. PHIL AXON appeared for the defendant by video link

SENTENCING REMARKS

1. You appear before this court today for sentencing, having been convicted before the Summary Court on 26th November 2025 on the following eight Counts:

Count 1

Marco Leyton Estrada, on or before the 25th day of March 2025, made 93 indecent

photographs of youths, an offence under ***section 247(1)(a) of the Crimes Ordinance 2014.***

Count 2

Marco Leyton Estrada, on or before the 25th day of March 2025, made 106 indecent photographs of youths, an offence under ***section 247(1)(a) of the Crimes Ordinance 2014.***

Count 3

Marco Leyton Estrada, on or before the 25th day of March 2025, made 108 indecent photographs of youths, an offence under ***section 247(1)(a) of the Crimes Ordinance 2014.***

Count 4

Marco Leyton Estrada, on or before the 25th day of March 2025, possessed extreme pornographic images, namely 1 still image and 4 moving images, depicting acts of bestiality, an offence under ***section 256(1)(ii) of the Crimes Ordinance 2014.***

Count 5

Marco Leyton Estrada, on or before the 25th day of March 2025, possessed 135 indecent photographs of youths, an offence under ***section 246(1) of the Crimes Ordinance 2014.***

Count 6

Marco Leyton Estrada, on or before the 25th day of March 2025, possessed 72 indecent photographs of youths, an offence under ***section 246(1) of the Crimes Ordinance 2014.***

Count 7

Marco Leyton Estrada, on or before the 25th day of March 2025, possessed 73 indecent photographs of youths, an offence under ***section 246(1) of the Crimes Ordinance 2014.***

Count 8

Marco Leyton Estrada, between the 27th day of November 2024 and the 25th day of March 2025, with intent to pervert the course of public justice, did an act or series of acts which had a tendency to pervert the course of public justice, in that he concealed electronic devices containing unlawful material on behalf of Cristobal Quilodran, an offence under ***section 462(1) of the Crimes Ordinance 2014.***

2. Having been convicted of those offences, you were committed to this Court for sentencing.

Maximum Sentences

3. The maximum sentence on conviction for an offence under section 247(1)(a) is 10 years imprisonment or a fine or both (Counts 1, 2 and 3).
4. The maximum sentence on conviction for an offence under section 256(1)(ii) is 3 years imprisonment or a unlimited fine or both (Count 4).
5. The maximum sentence on conviction for an offence under section 246(1) is 5 years imprisonment or a fine or both (Counts 5, 6 and 7).
6. The maximum sentence on conviction for an offence under section 462(1) is 14 years imprisonment or a fine or both (Count 8).

Sentencing Guidelines

7. The Overarching Sentencing Guidelines are applicable to sentencing.

8. In respect of counts 1 – 3 and 5 - 7, the appropriate guidelines are the England & Wales ‘Possession of indecent photograph of child/Indecent photographs of children’.
9. In respect of count 4, there are no offence-specific guidelines. In sentencing, I have had regard to the cases of *R v Lewis* [2012] EWCA Crim 1071 and *R v L* [2013] EWCA Crim 1600.
10. In respect of Count 8, the appropriate guidelines are the England & Wales Perverting the Course of Justice guidelines.

Offending

Counts 1 – 3

11. These offences were committed on or before 25th March 2025 and relate to images found on your own electronic devices.
12. The mobile telephones belonging to you contained 307 indecent images of children. Evidence of creation or modification provides a time period of 2022 to 2025, over which this material was generated.
13. Images were stored in the cache of devices belonging to you and is indicative of internet browsing activity. The creation of these images was the result of your having viewed this material online.
14. Further, forensic examination of your devices revealed the fact that you had joined groups on Telegram and that within these groups, indecent images of children were being shared.
15. Located in accessible locations were 8 category A, 6 category B and 13 category C images.
16. The age of the children involved ranged from approximately 7 years old to 15 years old.

17. You used the Telegram App to view pornography and you had joined several group chats where a wide range of material was shared between members of the chat group. You knew that some of this material consisted of indecent images of children.
18. The location of the images included the Telegram App and also a password-protected trash folder.

Count 4

19. You possessed 1 still image and 4 moving images that depicted acts of bestiality.
20. The extreme pornography was located in accessible locations on the device and there is evidence that one extreme pornographic video had been shared, by you, with another person through WhatsApp.

Counts 5 - 7

21. You possessed 280 indecent images of youths. These images were on hard drive devices attributable to Cristobal Quilodran and found at your home.
22. On 1st December 2024 you connected your own laptop to at least one of the hard drive devices and viewed 8 category A videos and 3 category B videos contained on the hard drive.
23. Some of the children depicted were as young as 3 years of age.

Count 8

24. In early December 2025, Cristobal Quilodran, with whom you shared a close relationship, asked you to look after electronic devices belonging to him. You knew that Quilodran had been suspended from his employment at the Leisure Centre in relation to concerns about his contact with a 14-year-old child and that he had been arrested by police. When you took possession of the hard drives, you knew that there would be

something on them that the police would likely be interested in. Indeed, on 1st December 2024 you accessed at least one of the hard drives and viewed indecent images of children stored on that device. There can be no doubt that you knew the nature of the material on the devices that you were hiding on behalf of Quilodran. You knew that the unlawful material contained on those devices would, very likely, be relevant to the police investigation. Nevertheless, you decided to keep the devices at your home address and in so doing you perverted the course of public justice by concealing their existence and their content from the police. That concealment continued from December 2024 through to March 2025.

Aggravating features

25. In terms of count 1 – 3 and 5 – 7, there are a number of aggravating features that I have taken into account in sentencing: the young age and vulnerability of the children depicted; the fact the images depicted a number of different children; some children in the images were as young as 3 years of age; some of the victims exhibited discernible pain or distress; that you joined Telegram chat groups through which you shared images; the fact images were in your possession for a long period of time, some files dating back to 2022; that the images included moving images and that some of the images were stored on a password protected trash folder which is indicative of an attempt at concealment.

26. On my assessment, although depraved, 587 images (comprising 228 at category A, 178 at category B and 181 at category C) does not constitute a ‘high volume’ for the purposes of sentencing.

Victim Impact

Counts 1 – 3 and 5 - 7

27. It would be incorrect to characterise offences involving indecent images as being victimless. Children featured in indecent images are victims of sexual abuse and the trauma that they have experienced as children will endure into and possibly throughout their adult lives. By downloading these images, you have contributed to the exploitation

and abuse of these young children, feeding into the demand for and creation of such images for perverted sexual gratification.

Count 4

28. Many women depicted in extreme pornographic images are coerced, sometimes the victims of trafficking. They are abused for the sexual gratification not only of those doing the abusing but, in many cases, for the gratification of others. Downloading these images fuels this abuse and the dissemination of images of such abuse.

Sentencing

29. I will deal with each count in turn.

Count 1

30. You made 93 indecent images of youths. The images were still and moving. These were Category A offences, meaning they were images that depicted penetrative sexual activity, sexual activity with an animal or sadism. One video, 1 minute and 10 seconds in length, depicts a female child aged 7 to 9 years being vaginally penetrated by the penis of an adult male.

31. Count 1 is within category A. The starting point for a category A offence is 1 years custody with a category range of 26 weeks to 3 years custody. I am taking this as the lead offence and will sentence accordingly. Before consideration of mitigation and guilty plea, but having taken into account aggravating features, I consider the appropriate starting point to be 2 years and 6 months imprisonment.

Count 2

32. You made 106 indecent images of youths. The images were still and moving. These were Category B offences, meaning they were images that depicted non-penetrative sexual activity. One video, 2 minutes and 47 second in length, depicts a female child aged 10 to 12 years who is touching her vagina.

33. Count 2 is within category B. The starting point for a category B offence is 26 weeks custody with a category range of High Level Community Order to 18 months custody. Before consideration of mitigation and guilty pleas, but having taken into account aggravating features, I consider the appropriate starting point for this offence to be 12 months imprisonment.

Count 3

34. You made 108 indecent images of youths. The images were still and moving. These were Category C offences, meaning they were images that depicted other indecent acts, not falling within Categories A or B. One video, 9 minutes and 59 seconds in length depicts a female child aged 8 to 10 years undressing and exposing her genitals and buttocks.

35. Count 3 is within category C. The starting point for a category C offence is a High Level Community Order with a category range of medium level community order to 26 weeks custody. Before consideration of mitigation and guilty pleas, but having taken into account aggravating features, I consider the appropriate starting point for this offence to be 15 weeks imprisonment.

Counts 4

36. You possessed extreme pornographic images comprising 1 still image and 4 videos. One video, 5 minutes and 19 seconds in length, depicts a naked adult female being penetrated by a horse.

37. I consider the appropriate starting point for this offence to be 12 months imprisonment.

Count 5

38. You possessed 135 indecent images of youths. The images were still and moving. These were Category A offences, meaning they were images that depicted penetrative sexual activity, sexual activity with an animal or sadism. One video, 9 minutes and 37 seconds in length, depicts a female child aged 5 to 7 years being anally penetrated by an object which appears to be a vibrator, being held by an adult male and then being anally penetrated by the adult male using his penis. The child shows visible signs of distress and discomfort and is later shown urinating into a jar.

39. Count 5 is within category A. The starting point for a category A offence is 1 years custody with a category range of 26 weeks to 3 years custody. Before consideration of mitigation and guilty pleas, but having taken into account aggravating features, I consider the appropriate starting point for this offence to be 18 months imprisonment.

Count 6

40. You possessed 72 indecent images of youths. The images were still and moving. These were Category B offences, meaning they were images that depicted non-penetrative sexual activity. One video, 1 minute and 41 seconds in length, depicts a female child aged 3 to 5 years masturbating an adult male's penis until the adult male ejaculates onto the child's torso.

41. Count 6 is within category B. The starting point for a category B offence is 26 weeks custody with a category range of High Level Community Order to 18 months custody. Before consideration of mitigation and guilty pleas, but having taken into account aggravating features, I consider the appropriate starting point for this offence to be 9 months imprisonment.

Count 7

42. You possessed 73 indecent images of youths. The images were still and moving. These were Category C offences, meaning they were images that depicted other indecent acts, not falling within Categories A or B. One video, 12 minutes and 31 seconds in length, depicts a female child aged 8 to 10 years talking into a webcam before exposing her vagina and simulating sex with a cuddly toy.

43. Count 7 is within category C. The starting point for a category C offence is a High Level Community Order with a category range of medium level community order to 26 weeks custody. Before consideration of mitigation and guilty pleas, but having taken into account aggravating features, I consider the appropriate starting point for this offence to be 15 weeks imprisonment.

Count 8

44. Between the 27th November 2024 and the 25th March 2025, with intent to pervert the course of public justice, you did an act with intent to pervert the course of public justice,

in that you concealed on behalf of Cristobal Quilodran electronic devices attributable to Quilodran containing unlawful material.

45. I have listened carefully to the submissions made by Mr. Axon regarding the appropriate classification of this offending.
46. The conduct was not a momentary lapse of judgement. It took place over a sustained period of time (1st December 2024 – 25th March 2025) and was discovered as a result of your being arrested. The underlying offences were very serious, relating to an investigation into offences involving a 14 year old girl and the nature of the material that you knew was on the devices. That would put your offending comfortably within category A. Your offending had some impact on the administration of justice in that it concealed criminal offences and denied the police the evidence contained on the hard drives for a number of months. On my assessment, it goes beyond the classification in category 3. Having regard to all factors, I am satisfied that your offending falls into category 2.
47. Count 8 is within category 2A. The starting point for a category 2A offence is 2 years imprisonment with a category range of 1 to 4 years. Offending of this type strikes at the very heart of the criminal justice system and sentences imposed must reflect that. I have taken account of the fact that concealment is included as an aggravating factor in respect of the other offences, thereby avoiding double counting. Before consideration of mitigation and guilty plea, I consider the appropriate starting point for this offence to be 2 years imprisonment.

Pre-Sentence Report

48. I have received a pre-sentence report dated 7th January 2026 from the Probation Service for which I thank the Probation Officer.
49. You are a citizen of Chile. You were born on 13th October 1998 and you are now 27 years of age. You have lived on the Falkland Islands since you were 13 years of age. You are single although you are in a relationship. Your father and step mother reside on the Falkland Islands.

50. You own a house with your partner on which there is a mortgage. Any custodial sentence could result in financial hardship – not just for you but for other members of your family for whom you provide some financial support. I recognise that, following your conviction for these offences, you may find it difficult to obtain future employment.
51. At the time of your offending you were employed at the Stanley Leisure Centre. That employment has recently been terminated.
52. You are currently receiving support of the Emotional Wellbeing Service.
53. I have read character references of Daniel Carcamo, Ailyana Salumbides, Matias Andres Aranda Reyes, Lani Alazia, Eduardo Matias Carvajal Behrens, Marcela Godoy. I have also seen a medical report from a Dr. Jorge Olivares Mardones dated 20th November 2025 and medical certificate dated 19th November 2025, both in Spanish, in respect of Mrs Godoy. These persons talk about your character, values and friendship. The person who appears in court this morning is very different to the person they have come to know. I understand that your mother is quite unwell and that you provide support to her. I have taken all of that into account in sentencing.
54. You are assessed by the Probation Service as posing a medium risk of reoffending and a medium risk of harm to young females.
55. You have, it appears, expressed a willingness to work with the Probation Service to address your offending behaviour.
56. Mr. Leyton Estrada, you have been convicted of a total of 8 offences. Your offending demonstrates a sexual interest in children. In addition, you stand convicted of an offence of committing an act intending to pervert the course of justice.
57. I recognise that you and Cristobal Quilodran shared a close relationship; there was undoubtedly a degree of mutual trust between you and the normalisation of what was clearly inappropriate sexual behaviour. Now, reflecting upon your behaviour and facing the consequences of your offending, you have sought to minimise the extent of your responsibility for these offences and attempted to portray yourself as having fallen under the spell of an older man, becoming the victim of grooming behaviour. I am sure you

were not groomed. The simple fact is that you shared a mutual interest in images depicting sexual acts involving children. Thereafter, knowing there was an ongoing criminal investigation into serious criminal offences, you chose to help a friend by concealing electronic devices.

58. The offences of which you stand convicted are serious and the length of the maximum sentences must reflect that.

59. You have no previous convictions. You have reflected on your offending and its impact on others. You have expressed feelings of shame and remorse. You have expressed a willingness to engage in rehabilitation. You entered guilty pleas at the first opportunity and I have given the full discount. I have taken all of that into account in sentencing.

Sentencing

60. I have had the benefit of sentencing notes from Mr. Walker and Mr. Axon for which I am grateful. I have listened very carefully to their submissions. I have taken into account everything said on your behalf by Mr. Axon. I have also considered carefully the Pre-Sentence Report.

61. When sentencing, I have also considered whether the sentences that I impose should be concurrent or consecutive. It would ordinarily be appropriate to impose a concurrent sentence where there is a series of offending of the same or similar type. A consecutive sentence would be appropriate in circumstances in which, inter alia, the offences arise out of unrelated facts or incidents.

62. I have considered the guidelines as to the imposition of a custodial sentence and whether it might be suspended. Your offending is so serious that I am satisfied only an immediate custodial sentence is appropriate.

63. I recognise that the impact of a custodial sentence will be significant. I have taken into account the obvious impact of a custodial sentence upon your family.

64. I have considered with care the totality principle and that some of the sentences that I have imposed will be consecutive and concurrent. I have taken into account your mitigation and I have given the full discount for your early guilty pleas. I have structured

the sentence to reflect your overall offending, together with the aggravating and mitigating factors, arriving at a sentence that is just and proportionate.

SENTENCE

65. In respect of Count 1, the starting point on conviction after trial would have been 2 years and 6 months imprisonment. Having regard to your mitigation and early guilty plea, I reduce that to 20 months imprisonment.
66. On Count 2, the starting point on conviction after trial would have been 12 months imprisonment, I reduce that to 9 months imprisonment.
67. In respect of count 3, the starting point on conviction after trial would have been 15 weeks imprisonment, I reduce that to 10 weeks imprisonment.
68. In respect of count 4, the starting point on conviction after trial would have been 12 months imprisonment, I reduce that to 9 months imprisonment.
69. In respect of count 5, the starting point on conviction after trial would have been 18 months imprisonment, I reduce that to 9 months imprisonment.
70. In respect of count 6, the starting point on conviction after trial would have been 9 months imprisonment, I reduce that to 6 months imprisonment.
71. In respect of count 7, the starting point on conviction after trial would have been 15 weeks imprisonment, I reduce that to 10 weeks imprisonment.
72. The sentences imposed under counts 2 – 7 inclusive are **concurrent** to the sentence imposed under count 1.
73. In respect of count 8, the starting point on conviction after trial would have been 2 years imprisonment, I reduce that to 16 months imprisonment, **consecutive** to the sentence imposed under count 1.
74. I impose a total sentence of **3 years imprisonment.**

75. I am not making compensation orders because I do not consider it appropriate in this case to make such orders.
76. Because of the immediate custodial sentence I am not making an order that you pay prosecution costs.
77. Pursuant to section 296 of the Crimes Ordinance 2014, you will be subject to notification requirements with the police for an indefinite period. You must keep the police informed at all times of your personal particulars, the address at which you are living, and any alteration in the name you are using.
78. I am imposing a Sexual Harm Prevention Order under section 321 (2) of the Crimes Ordinance 2014 in the terms of the order sought for a period of 10 years.
79. I also make a forfeiture order under section 622 of the Criminal Procedure and Evidence Ordinance 2014 in the terms sought, save that the said order shall not be carried out until all evidence relevant to any ongoing criminal investigation has been extracted therefrom and, further, that in respect of the Acer laptop [RP/08/260325] the property of the defendant, if reasonably practicable, the indecent images contained within the laptop shall be separated from the laptop and the laptop returned to the defendant as soon as reasonably practicable.