

PUBLIC PROSECUTOR

V

KENNETH ISMAEL

Date of Sentence: 4th day of September, 2018 at 9:00 AM

Before: A.L. Bolen

In Attendance: Public Prosecutor – Mr. Tamau

Defendant – in person

SENTENCE

1. Kenneth Ishmael, you are charged with one count of abusive or threatening language contrary to Section 121 of the Penal Code Act [Cap. 135].
2. It is submitted by the State Prosecutor, that you are the boarding master of Ulei junior Secondary School on Efate. You said that you send out a student but the student did not go away from the School but come back hid near the School. The student commenced to influence other student not to go to class but to smoke and do other things during school hours. You were frustrated and thus you told the student to leave immediately or you will give him a slap. State Prosecution does not argue your submission.
3. Having heard your guilty pleas and being satisfied that the State Prosecution had established all the elements of this offence beyond reasonable doubt.
4. You are a first time offender and you pleaded guilty to the first opportunity given to you.
5. Having considered the mitigating and aggravating factors in this case, the Court shall not convict you on this count. However, the Court warns you not to repeat the offence and not to cause threats to students since they need your trust and using abusive or threatening language do not help you in your function as a boarding master of a secondary school.
6. You shall pay prosecution fee in the sum of VT2, 000 within 7 days.
7. You have 14 days to appeal this decision.

DATED at Port Vila, this 4th day of September, 2018.

BY THE COURT

A.L. Bolen
Acting Chief Magistrate

