

REGINA v JOHN KINE

CRIMINAL CASE NO.: 352 of 2021
COURT: CENTRAL MAGISTRATES' COURT
CORAM: RICKY IOMEA, DEPUTY CHIEF MAGISTRATE
PARTIES: EPHRAIM PITASUA FOR THE POLICE PROSECUTION
FRANK KAMA FOR THE ACCUSED

SENTENCE

Mr. Kine, the offence for which you were charged and pleaded guilty to is showing disrespect in manner to a court clerk who was assisting in a judicial proceeding. This is contrary to section 121 (1) (a) of the Penal Code.

The facts are that on 28th June 2021, during a court circuit sitting at Tulaghi, you and the Complainant were sitting inside the court room. The Complainant was the clerk to a Magistrate and you were the accused in a matter. During the court proceeding you, before you left the room, got up, looked straight to the Complainant and drew a line, using your finger, from right to left of your neck indicating to kill the Complainant. The Complainant was in shock and frightened at that time.

Those are the facts that constitute the offence you committed. The maximum penalty for this offence is three months imprisonment.

This type of behavior, especially in a judicial proceeding, from a person who was there for a matter is unusual. It is not clear, the motive behind your action but it shows that you were prepared to show disrespect to a court officer in a judicial proceeding. This type of action must be condemned and deterred.


I note that this is not your first time to come to court. You were convicted and sentenced to a bound over on good behavior for 1 year in the sum of \$300.00 on 2nd June 2021 at Tulagi for the offence of Intimidation.

The only mitigating factor in your case is that you pleaded guilty to the offence at the first available opportunity when the original charge was amended to this present charge.

Having considered the facts, the need for deterrence and punishment and your plea of guilty, I am of the view that the appropriate sentence to be imposed in your case is three months imprisonment.

The sentence is backdated to commence on when you were first remanded in custody. I noted from the Court's record that you were arrested and placed in Police custody at Tulaghi since 28th June 2021 and formally remanded in custody on 2nd July 2021. You have now served substantial part of this sentence so I order that you be released at the rising of the Court.

The Court,


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Ricky Iomea – DCM

