

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

TIMOTHY MORRIS

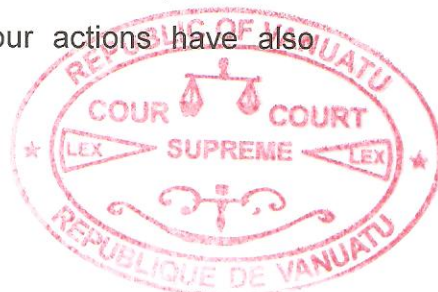
Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mr Parkinson Wirrick for Public Prosecutor and the State
Mrs Marisan P. Vire for the Defendant

SENTENCE

1. Your case warrants a custodial sentence. The principles of sentencing in PP v. Keven Gideon are well known and clear and must be adopted. A term of imprisonment will serve as –
 - (a) The public's disapproval and condemnation for such unwanted behaviour from a teacher.
 - (b) To deter the Defendant and others in future.
 - (c) To act as an adequate punishment.

2. You threw away your qualifications, skills, expertise and profession all for the sake of following your sexual desires. There was no need of you to do so. You are a mature man. You have a wife and children and you even ignore them by responding to your selfish sexual urges. You imposed yourself upon your student, an under aged girl, whom the law protects and you did it repeatedly on at least 2 occasions, for which you were charged and pleaded guilty to. Your actions have also



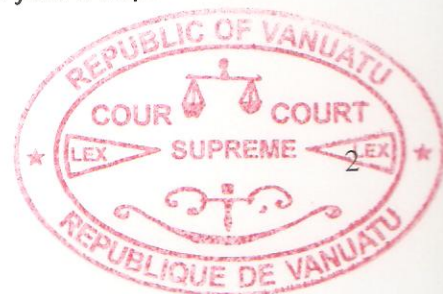
resulted in the girl's inability to continue her education. You ruined her future. You stood in a position of trust to the girl both as a student and as a relative. You breached that trust. These are the aggravating features of your offending.

3. An offending under Section 97(2) carries a maximum penalty of 5 years imprisonment. You admitted freely to two counts of unlawful sexual intercourse with your victim, a student of 14 years of age.
4. In sentencing you, I take into account 3 mitigating factors –
 - (a) Your early guilty pleas to Counts 4 and 6.
 - (b) That you are a first-time offender.
 - (c) The custom reconciliation ceremony performed.

For these, the Court will allow a deduction of 1/3 from your total sentence of imprisonment.

5. I have considered the matters raised in your pre-sentence report. There is nothing raised therein that makes your case an exceptional one warranting a suspension of sentence.
I have also considered the submissions made by defence counsel. The cases of PP v. Bohilan, PP v. Kaloris, PP v. Karl Andy, PP v. John Aru and PP v. Letlet are distinguished in their facts and circumstances from your case and are therefore not applicable in your case.
6. Accordingly, the Court hereby convicts you and sentences you as follows:-

- (a) Count 4 – Unlawful Sexual Intercourse – 5 years imprisonment.



(b) Count 6 – Unlawful Sexual Intercourse – 5 years imprisonment concurrent to the sentence in Count 4 above.

In total, you will spend 5 years in prison at the Correctional Services in Luganville.

7. For your mitigating factors, there is a reduction of 1/3 from the 5 years imprisonment. The balance you will serve at the Correctional Centre is 3 years and 4 months.

This term of imprisonment commenced on 4th February 2011 when you were first take into custody.

8. You have a right of appeal within 14 days.

DATED at Luganville this 23rd day of March 2011.

BY THE COURT


OLIVER A. SAKSAK
Judge

