

PUBLIC PROSECUTOR

V

JACKSON KALSON

**Date of Sentence:** 13<sup>th</sup> October, 2023.

**Before:** Magistrate FSam

**In Attendance:** Mr Tamau\_M – State Prosecution

Mrs Karu\_K - Defence

Defendant.

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SENTENCE

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**Introduction**

1. Mr. Jackson Kalson you appear before me today for Plea and you answered “*I tru*” to both counts of Theft and Threatening Language that are laid against you.

**Facts & Verdict on Plea**

2. The accepted facts in respect of the theft charge, which is the leading offending in this case, is that on the 21<sup>st</sup> of April 2022, around 7:00. P.M. at Tagabe area, you went into the complainant’s shop, and took some coins, causing her to suffer a small lose from her business. And in respect to the threatening language charge, on the same day, in the same shop, you used some verbal abuse at the complainant, to the effect: “*Yu fuckem apu blong yu, yu fuckem store blong yu, ....*” *Bai mi kilim yu bae wota blong kan blong yu bai ron, yu faetem kan blong yu*” .



3. I take note of some facts stated by state counsel, which are not relevant to this case, and I will not consider these facts, as they do not relate to the two counts against you. Those that are relevant, you admitted and accepted through your counsel.

4. For your admission and pleas, I find you guilty on both counts.

**Sentencing Starting Point**

5. In deciding your sentence today, Mr. Kalson, I have to look at the maximum sentences available, in respect of your offending, the aggravating factors of your offending, or things that make your wrongdoing worst or very serious, and the mitigating factors, or things that make it less serious.

6. The offence of theft constitutes a maximum penalty of 12 years imprisonment, and for the threatening language offence, a penalty of 3 years imprisonment. The length of term given for both offences reflect the seriousness of your wrongdoing.

7. While there are no mitigating factors your offending, the accepted aggravating factors include:

- You committed the offences while under the influence of alcohol.
- You took an amount of VT 200 without the consent of the owner, showing disrespect or disregard of the lose you caused on the complainant or the entire family.
- The verbal abuses you used against the complainant has caused her to feel embarrassed and disrespected.

8. I take not of the relevant factors, and set a global starting point for the 2 counts at 8 months imprisonment on concurrent basis.



### **Personal/Mitigating Factors**

9. Mr. Kalson, your pleas were entered at the earliest available opportunity, and I allow a one third deduction from the starting point.

10. You are 30 years of age, with no prior convictions. You have remained on good behaviour and good terms with the complainant whom you also depend, (being your sister-in-law, married to your older brother) on to support you and your own children and family. For these factors, I deduct further 2 months.

11. You stated through your counsel that you accepted what you did, in respect to your offending was wrong, and that after the incident you saw the need to apologise to the complaint to retain peace in the family relationship you have, and you did say sorry to her, after which you all cooked and ate together. I award further 2 months deduction for these factors.

### **End Sentence**

12. Your end sentence therefore, in respect to the two counts of theft, and threatening language, is an imprisonment term of 1 month each, to be served concurrently.

### **Suspension**

13. Given your personal factors, I allow a suspension of your sentence for a period of 1 year.

14. You are ordered to remain on good behaviour and maintain the peace at all times, especially towards the complainant and the rest of your immediate family members, and the society at large.

15. For any reason, you commit any further offending within the 1-year suspended period of your sentence, your suspended period may be uplifted, and you will have to go to prison to serve your sentence.



16. This sentence is appropriate to punish and deter you and other offenders like you from committing similar offences.

17. Your sentence will be effective upon expiry of 14 days period of appeal given you, if you are not happy with it, and chose to appeal.

**DATED at Port Vila, this 13<sup>th</sup> October, 2023.**

**BY THE COURT**



**FSam  
Magistrate**

