

PUBLIC PROSECUTOR

V

KOMOLO MYRALYN

Before: Senior Magistrate Moses Peter

In Attendance: Smithy Obed for State Prosecution

Defendant appear in person

SENTENCE

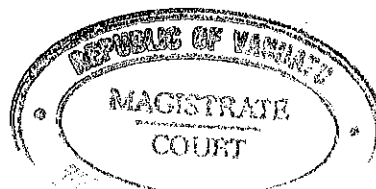
1. Ms. Komolo Myralyn, on 15th November 2016 the police charged you with an offence particularized as follows:

2. Count 1

3. Statement of offence

Disruptive or alarming conduct at an airport contrary to Division 3 Section 5 (1) (c) of the Aviation Security Act No. 10 of 2007.

Particulars of the offence



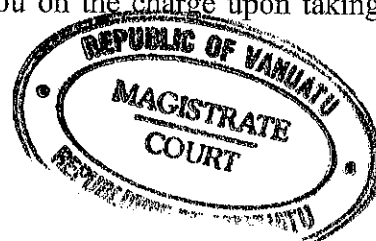
KOMOLO MYRALYN, you are 26 years of age and live in Solomon Islands. On or about the 14th day of November 2016 at Bauerfiled International Airport you did make alarming statement that you had a bomb in your luggage when passing through airline check in desk flight FJ262 from Port Vila to Fiji.

4. You pleaded guilty on the charge and the Prosecution submitted the brief facts of the case to the following effect:
5. You are 26 years of age and hailed from Solomon Islands. On 14th November 2016 you were checking in at the Airline check in desk to board flight FJ262 to Fiji. Upon checking in the officer asked for items stored in your luggage and you responded that you had bomb in your luggage. That statement you made was reported to the authorities. As a result, you were directed not to board the plane but taken to the police station for questioning.
6. You have no previous record of conviction.
7. The Prosecution submitted that proper consideration must be taken by the court in respect of this offence and that adequate punishment must be imposed on you to deter you from repeating offence and others from doing same.
8. The prosecution embarked on the governing legislation dealing with security in the operation and uses of aircrafts. With significant increases in terrorist attacks in aircrafts and making of threat statements in an aircraft and their operations resulted in many aircraft company losing businesses.
9. This legislation as the name suggests "Aviation Security Act" is to ensure that security must be the paramount duty of each and every individual employed in the aviation industry including those who hire their services to promote confidence and trust in the safety of the services rendered.



10. The penalty for the offence you committed is VT 400,000 fine.
11. The Prosecution submitted a sentence of fine would be appropriate in your circumstances to mark seriousness of the offence and to act as deterrence to you and other people travelling by aircraft to various places.
12. You retained residence in Vanuatu as a student undertaking legal studies at the University of the South Pacific. You have sat your final exam and are expecting your graduation in December 2016.
13. Because graduation is held in December you have no funds to sustain yourself in Port Vila, so you spend your remaining cash to pay for the airline tickets to travel to Fiji and live with friends until your graduation in December.
14. When the Police arrest you, you told them about your financial situation.
15. You were not aware that making such alarming statement is prohibited by law even though you were studying law at USP. You were not able to leave the country because of the offence you committed. You had to live with relatives in Port Vila. You showed remorse for your actions and the court is hopeful that never in your life will you ever make such a statement again when in a vicinity of an aviation center. The court understands the trauma and anxiety you have suffered as a consequence of this offence.
16. Your potentials are bright as you are graduating at end of this year and soon you will be in the workforce. Any convictions now will affect your status as a lawyer. Moreover, your prospects of furthering your studies in law will be hindered also.
17. I have decided not to place a conviction on you on the charge upon taking into account the following mitigating factors:

- You are remorseful for your actions;



- You have no previous conviction record;
- You pleaded guilty at first opportunity
- You cooperated very well with the police during questioning.
- You are a law student graduating end of this year.
- Offence committed is not deliberate but is a mistake.


18. You are ordered to pay fine of VT 15,000 by 4.30 pm on 16th November 2016.

19. The Police Officers will release your travel documents as soon as the fine is paid in full with receipts produced to confirm payment.

20. You have 14 days to appeal if not satisfied with this sentence.

DATED at Port Vila this 15th day of November 2016

BY THE COURT


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MOSES PETER
Senior Magistrate

