



**IN THE RESIDENT JUDGES' COURT OF THE SOVEREIGN BASE AREAS OF AKROTIRI
AND DHEKELIA**

SITTING AT DHEKELIA

Dhekelia Case No: 78/17

Coram: His Honour Judge Karamanis T.C, Associate Judge

THE CHIEF CONSTABLE

-v-

Constantinos Voitsides

Mrs Alki Vakana, Crown Counsel for the Prosecution

Mrs Georghia Andreou on behalf of Mr. Yiannis Polychronis, Advocates for the
Defendant

13th March 2018

JUDGMENT

INTRODUCTION

1. The Accused, a middle-aged male secondary school science teacher was charged with common assault contrary to s.242 of the Criminal Code; namely that on the 17th day of January 2017 in the classroom he assaulted the complainant; a then 14-year-old female pupil by beating.

2. The Crown puts the case as being that the Accused having for months harassed the Complainant in various ways then touched her back and upper chest without her consent and without justification.

3. The Accused accepts that he touched the Complainant without her express consent, yet maintains that he did this to comfort or console her; having perceived her to be upset. The Accused's defence expressed when he was initially confronted by the Headmaster, interrogated by the police and when he gave sworn testimony is that his general demeanour and behaviour have been misinterpreted and misunderstood by the Complainant. The defence put forward is that the Accused being an experienced dedicated professional teacher believes that his behaviour was innocuous and is perplexed as to the Complainant's negative reaction to his touching her in the way and in the circumstances that he did.

4. The Complainants' parents were apparently reluctant to report the initial allegation of indecent assault due to a fear of gossip and rumours being spread. There are possible negative consequences to all persons involved, particularly the female pupils of publicity of the conduct, allegations and the circumstances surrounding them in this case. To avoid identifying any of the persons involved I will not refer to any of them by name but use an appropriate description. The identities of all persons are of course a matter of court record so can be disclosed to properly interested persons where appropriate.

5. I have considered the applicable law, all the evidence given and all the arguments and submissions made by both Crown Counsel and the Accused's Advocate. I draw appropriate inferences from that evidence which is accepted as being reliable, so as to determine those issues necessary to decide whether the Accused is guilty beyond all reasonable doubt.

THE LAW

6. Battery or common assault by beating is an act by which a person intentionally or recklessly applies unlawful force to the complainant. The basic principle is that every person's body is inviolate; so that everybody is protected against physical molestation: Collins v. Wilcock, 79 Cr.App.R. 229, DC. There are recognised exceptions, such as the chastisement of children, the lawful exercise of the power of arrest, the use of

reasonable force when the necessity to act in self-defence arises. There is also the broader exception of implied consent which encompasses the exigencies of everyday life such as jostling in crowded places and touching a person for the purpose of engaging his attention. The physical contact must not then exceed the generally acceptable standards of conduct in the particular circumstances.

7. The mental element of subjective recklessness in the offence of battery, is the foresight of the possibility that the complainant will be subjected to unlawful force, however slight, and taking that risk. The Accused must be judged on the basis of his belief as to the facts even if that be a mistaken belief. The Accused is entitled to be acquitted if he used no more force than would be reasonable in the circumstances as he believed them to be. Thus, a well-intentioned but over-exuberant hug on New Year's Eve may not be an assault.

8. Teachers have custodial and tutelary authority, whilst pupils are in their care, that is to act in place of their parents so as to look after and to teach their pupils. Teachers take on some of the parents' responsibilities and exercise some of their prerogatives over pupils. The common law treats teachers as being in the place of the parent; known as the doctrine of "in loco parentis". Thus, teachers not only have authority over pupils so as to teach them but also a duty to protect them. It is not illegal in itself for a teacher to touch a pupil. Thus, a teacher's tutelary authority necessarily extends to occasions when physical contact with a pupil, (other than reasonable chastisement), is proper, necessary and acceptable in the course of teaching such as where it is integral to the teaching itself as when demonstrating exercises, techniques or the use of apparatus particularly in sport, music and science. Teachers' custodial authority extends to reasonable chastisement; which has been curtailed by legislation in England. Teachers' custodial authority, within the broader exception of implied consent, also extends to such reasonable physical contact as is appropriate when giving pupils' moral support whether that be praising, congratulating, consoling or comforting pupils.

The Trial

8. The start of the trial was delayed primarily due to the Accused's unsuccessful application to have the trial dealt in the Republic of Cyprus Courts.

9. The trial took place over several days beginning on Monday the 11th day of December 2017; when the Accused's Advocate made a formal admission as to this courts jurisdiction and the bulk of the exhibits were produced by consent Exhibits 1 to 11). The Headmaster, a Teacher, the Careers Counsellor, the interviewing & interrogating Police Officers respectively WPC 542 Sofia Kourti PW6 & PC 341 Cristodoulou PW7), the complainant and the complainant's best friend testified for the Prosecution. The Complainants videotaped interview by WPC Sofia Kourti was viewed (Exhibit 11B). A Circular issued by the Ministry of Education of the Republic of Cyprus, (RoC MoE) dated 11th February 2016 was lodged as Defence Exhibit 1. The classmate's statement, (unsigned), to the police was produced by PW76 542 WPC Sofia Kourti as Defence Exhibits 3 & 3A) There were references to statements made by the Complainant's mother and a classmate of hers, although neither of these testified, the mother because she was not called and the Classmate although summonsed was excused due to concerns for her health, (per the doctor's letter dated 28- 11-2018 Exhibit 12 produced by consent).

10. A submission of no case to answer was made by the Accused's Advocate which was unsuccessful.

11. On the 15th day of February 2018 the Accused gave testimony on oath and then police SBA Inspector Petrou testified putting in his letter to the Headmaster as Defence Exhibit 4.

THE PROSECUTION CASE

12. The Accused taught a science subject to the Complainant, a 3rd grade pupil from September 2016 when he had joined the school until January 2017 when the alleged assault occurred.

13. The Complainant was initially alerted to the Accused's alleged generally inappropriate behaviour towards her, such as staring, by her Best Friend; which the Complainant then claimed to have also confirmed for herself, they then exchanged text messages about it. (Exhibit 8A).

14. The Complainant reported the allegation and demonstrated it to the Teacher..“ *showed me on herself that he had touched her rather gently hitting her above the right chest twice*” this was in the presence and hearing of her Best Friend who subsequently claimed to have “heard the noise” of the impact. The Teacher was also informed by them that the Accused had engaged in other inappropriate predatory behaviour targeting the complainant such as winking, lip licking, poking his tongue out, touching her hand during a science experiment as well as swerving his car towards her. (Teachers statement Exhibit 5 & 5A).

15. The Teacher undertook to help the Complainant deal with the situation and, notwithstanding her concerns, agreed with the two girls not to report the matter immediately to her parents or the headmaster, but purportedly to allow for the Accused to grade the Complainants test first.

16. The Best Friend told the Teacher of the Accused’s strange / erotic or seductive expression, (παράξενο ύφος/ ερωτικό ύφος). The Teacher’s interpretation of the complaint made to her was clearly sexual namely that the Accused touched the Complainant twice on the upper part of the breast. In the meantime, the Teacher undertook to confirm the girls’ suspicions of the Accused’s behaviour and “assigned” the Complainants Best Friend to watch the Accused.

17. The Teacher over the next few days having observed and discussed with the Complainant and her Best Friend the Accused’s behaviour encouraged the Complainant to pursue her complaint. The Teacher then entered into an exchange of text messages with the complainant providing moral support. (Exhibit 7A).

18. The Teacher reported the matter to the Headmaster; telling him about the Accused’s alleged history of inappropriate behaviour towards the Complainant; winking, lip licking, poking his tongue out, touching her hand during a physics experiment, swerving his car towards her and then simultaneously touching the complainant above/ on top of her breast and her back.

18. The Headmaster asked the Teacher to refer the Complainant to the school’s Careers Counsellor; which she did. The Headmaster spoke to the Complainant in the presence of the Careers Counsellor and then to the Accused.

19. The Headmaster who then spoke to the school area supervisor and inspector and discussed a historic internal complaint that the Accused had previously touched a schoolgirls hair. An incident which transpired was to demonstrate static electricity and was itself reported to the Republic of Cyprus' police, at Famagusta CID, but was not taken further.

20. On the 20th January 2017 the Careers counsellor informed the Headmaster that the matter should be reported to the police and no further investigation should be undertaken. Notwithstanding this she herself subsequently called the Complainant to give her an account of events on the 26th January 2017. Then on 27th January 2017 the Complainant was again called to give her account by the Headmaster in the presence of the complainant's parents and the Careers Counsellor.

21. The school's internal "investigation" of the complaint went beyond that recommended by the MoE RoC circular; despite the fact that it later transpired not to be an allegation of indecent/ sexual assault. The Teacher accepted that she herself has physical contact with pupils which includes hugging. The Careers counsellor testified that the Complainant was known to her as a result of an incident whereby the Complainant was shown a pornographic video by a male pupil who the headmaster had expelled the year before.

22. Even after the Headmaster had decided that the allegations would be reported to the police, (the 27th January 2017), the Headmaster himself persisted in investigating further by inviting to his office the two known witnesses to the allegations, (the complainants Best Friend and another Classmate), together with the Careers Counsellor. Where apparently, the witnesses talked about the allegations generally in each other's presence.

23. The Headmaster himself persisted in investigating the allegation despite being aware that pupils' allegations of indecent assault should be reported to the police for investigation in accordance with the RoC MoE Circular dated 11th February 2016 Defence Exhibit 1. The Headmaster adopted and reiterated the contents of his letter dated the 7th February 2017 attached to his statement. Despite the Headmaster claiming to have a photographic memory, he said was not previously aware of the

Complainant, and disputed that the Complainant had previously made a complaint of sexual harassment by being shown a pornographic video.

24. The Headmaster subsequently gave an ultimatum to the Complainants parents that if they did not report the allegation then he would do so himself. The Headmaster reported to the director of secondary education by letter dated 7-2-2017 Exhibit 9 & 9 A)

25. The Complainant's mother made a formal complaint to the police on the 6th February 2017.

26. The police began an investigation into the alleged indecent assault, the Complainant took place in a video recorded interview Exhibit 11B, which was viewed in court and then adopted by the Complainant as her evidence in chief.

27. On the 17th February 2017 the Accused was interrogated, (interviewed under caution in accordance with the Judges Rules), at length and answered all questions put to him (exhibit 9 & 9A produced by consent). The interrogation was in respect of the allegation of indecent assault and although stated to deal with incidents from January 2017 onwards it was more extensive. In respect of the incident with which he was charged he said

“DC 341 - ...you...pushed her gently on the back with your right hand causing her to move forward, and after that pushed her backwards by hitting her with your right hand at a point a bit above her chest. What do you say about this?”

C.V. - I remember I did it to reassure her, in no case did I touch sensitive parts not even body, I don't know how to put it. Additionally I meant no harm. It was not indecent.

DC 341 - What were you trying to reassure her about?

C.V. - I saw she was a bit upset probably from the stress of the test,”

The Accused elected to give sworn testimony wherein he maintained the position he put forward when interviewed.

27. DC 341 Christodoulou the Case officer PW7 - testified that he considered this to be a borderline case at the charging stage and that “when we don't have a

straightforward case it is forwarded to superiors without a recommendation who may then decide to charge or submit it to AGLA for a decision”, which is what he did in this instance.

THE DEFENCE CASE

28. The Accused maintained that he winked universally as a greeting. The Accused was generally reasonable in his demeanour and interpretation of events; accepting and explaining his winking and other “quirks” of his behaviour.

29. The Accused gave an explanation for the car swerving incident was caused by his applying his seat belt whilst driving. This incident lasted a few moments, anybody seeing a car veering towards them would naturally be startled and limit the ability to focus on the driver long enough to accurately identify his expression is questionable; no doubt the Accused did grimace but that could well have been out of exasperation and embarrassment at his unintended driving manoeuvre.

30. Even though the Accused didn't recall the Complainant discussing the swerving car incident with him after the test, he was prepared to accept that as her account of his alleged response; “Well I didn't succeed then” to her “Were you trying to run me over?” was consistent with his sense of humour it had probably taken place as she had alleged.

30. The Accused's demonstration in court of the physical contact was very light and momentary contact using his fingers of both hands; a double handed pat to the back and the front just below the Complainant's shoulder level. The Accused accepted that “force” was applied but he stated that this was only in a technical scientific sense, rather than reflecting any significant degree of force in itself. The Accused in testifying mentioned that he had recalled that whilst touching the Complainant he had also said something along the lines of “its ok now” obviously referring to test. According to the Complainant's demonstration the Accused used his fingers.

31. I appreciate and understand the reluctance of those involved to limit the scope of the investigation so as not to publicise such allegations. Notwithstanding this however police investigations must be fair, thorough and balanced. It was no doubt merely an

unfortunate coincidence for the Accused that the Classmate did not sign her statement, apparently only because it could not be printed and moreover that she was unfit to attend Court to testify.

32. The Classmate's statement supports the Accused's testimony. The Classmate considers the Accused's idiosyncracies or behavioural quirks such as winking not to be specific to any one pupil or indeed female pupils. The Classmate describes the Accused's general conduct as acceptable although more casual (less formal), as he likes to be closer to his students. The Classmate also states that the Accused had touched her own hand during an experiment and that she did not find it to be "anything but professional".

33. The Classmate's statement fails to support the complaint in respect of the incident; since although present she didn't see it. It also undermines the Complainant's general credibility; *"I caught her telling lies....she likes to exaggerate"*. Moreover, the Classmate was not aware of any problems that the Complainant had with the Accused prior to the alleged incident in January.

34. The Complainants use of derogatory slang language such as "dumb" «παλαβός» and a drawing of the middle finger gesture in her texts to her Best Friend (Exhibit 8 A) is noted in the context of her stated sensitivity to the Accused's own actions and use of language.

FINDINGS

34. I am satisfied that the three police officers who testified told the truth and that their evidence is reliable to the extent that it deals with their involvement in the police investigation of the allegations.

35. There was evidence of the Accused's general and specific historic and current conduct which if he was targeting pupils in itself might well be considered to be undesirable, inappropriate or offensive to pupils.

36. There are some cultural differences, (and therefore possible misinterpretation and misunderstanding of nuances of body language and communication generally), arising from the fact that the Accused is not a native Greek Cypriot but is a Greek national who emigrated to Cyprus. Thus, the allegation that the Accused whilst in class used the word « μαλακίες» roughly translated as “bullshit” must be viewed in that context. I take judicial notice of the fact that its use in Greece is not only commonplace but is not considered to be as offensive as it is in Cyprus if at all. Indeed, the word is currently in the lyrics of some popular Greek songs.
37. This conduct of the Accused is the background to the incident and is relevant only insofar as it assists in deciding the charge which the Accused faces. It is therefore important to identify and distinguish between those actions of the Accused which are capable of objectively being identified as conscious actions and those which could be unconscious actions or reactions; the effect and impact of which might well depend on the observer thereof. For example the Best Friends impression that the Accused’s expression was strange / erotic or seductive, (παράξενο ύφος/ ερωτικό ύφος), and the Complainants impression that “*he looks at me as though trying to pull me, he winks*” « βλέπει με ένα ύφος όπως καμάκιν, μισσοκαμμά μου» reported to her mother (Exhibit 1).
38. There are a few inconsistencies between the Complainants various accounts given to the Headmaster and her Best Friend of the Accused’s alleged generally inappropriate behaviour towards her. In relation to the car swerving incident for example which is understandable bearing in mind, (as the Complainants mothers statement Exhibit 1 confirms), that the Complainant was startled and upset by that incident. In themselves such inconsistencies are not highly significant in terms of the Complainant’s credibility; but are indicative that she was biased in her interpretation of the Accused’s behaviour.
39. The Best Friend claimed that when the Accused tried to stare seductively at her she put a stop to it; without stating what, if she actually did anything at all to achieve this. Thus she implied that it was achieved solely by her attitude /

demeanour towards the Accused. This in itself could either be an outright lie or reflect her apparent overconfidence in her own abilities, assessments and capabilities; something that was also apparent from her demeanour whilst testifying. The Accused's seductive stare could well have been a figment of the Best Friends imagination.

40. The Careers Counsellor although she accepted she was not an expert nevertheless characterised the Complainant as having the profile of a "victim". This would render the Complainant not only susceptible to sexual harassment but also to being easily influenced by a stronger personality such as her Best Friend. I am extremely hesitant to accept the Careers Counsellor's testimony that she herself is able to detect a seductive / predatory look merely from the facial expression. I am however confident that any attempt by a 14-year-old girl to do so would be totally unreliable. I note that the Complainant herself claimed that she believed her own body language and facial expression didn't disclose her own disappointment at her performance in the test; which the Accused stated he noticed.
41. The Best Friend clearly influenced the Complainant, who not only described her as her «*best friend*», (κολλητή), but also had saved her number on her phone as «her life» (ζωή μου); this affection was not reciprocated however as the Best Friend testified that the Complainant was merely someone she knew.
42. It is clear from the testimony of the prosecution witnesses that the Complainant by herself did not initially interpret the Accused's previous actions as being untoward until after she had been alerted and primed to view them as having sexual insinuations by her Best Friend. After her Best Friend pointed out the Accused's behaviour the Complainant's objectivity was distorted insofar as she then proceeded to negatively interpret the Accused's actions, and behaviour, thus reinforcing her Best Friend's characterisation of the Accused as a predator which therefore became a self-fulfilling prophecy.

43. There is a range of physical contact using one's hands which could be characterised as indecent; however here ultimately neither a grope nor a caress was alleged. The demonstration given by the Complainant in court indicated that the Accused used the inner front part of his fingers so could best be described as a pat.
44. There was no reference whatsoever by any witness to even consideration of the possibility of any pain, mark or injury being caused to the Complainant by the incident. I therefore do not accept the alleged force of the Accused's first touch which allegedly not only caused the Complainant to sway before allegedly being steadied by the second touch, but also made a noise that was heard by the Best Friend. I note that the Best Friend, (who it transpired was behind the Complainant at the time of the incident), had initially apparently been complicit in conveying to the Teacher the scenario of the Accused's two touches to the Complainant's breast area. It is highly unlikely that had the force of the Accused's touching caused the Complainant to sway that this would not have been mentioned and noted by the Teacher. There was thus a material difference in the specific alleged indecency of the touching of that the Teacher initially understood from that the alleged touching ultimately reported to the police. I find that such a divergence cannot be explained, justified or reconciled by reference to mistake, faulty memory or an error in observation.
45. I conclude that either the Complainant or her Best Friend, (or both in cooperation with each other), were thus apparently not only biased but also prepared to exaggerate what happened when they first reported the touching incident to the Teacher.
46. I am not satisfied of the Best Friend's veracity, based not only on the content of her evidence, but also her general attitude and demeanour whilst testifying.
47. I am satisfied that the Complainant's beliefs were not formed on an objective perception of the events and the Accused's behaviour, but were apparently due mainly to her Best Friends influence over her.

48. The Teacher was an honest, reliable and credible witness, notwithstanding her passionate support for the Complainant. The Teacher having clearly understood the complaint to be one of indecent assault should have reported it to the police for investigation, although it appears that she was not then aware of the RoC MoE circular. Even though the Teacher had initially agreed with the Best Friend that the Accused had looked at the Complainant during the showing of the holocaust film. In her testimony, the Teacher accepted that indeed she could not be sure whether the Accused had been looking at the Complainant or just generally in her direction. If a mature, experienced and sophisticated teacher can jump to conclusions that, she admits on reflection, might not be warranted objectively by the actions themselves so then the probability that the Complainant herself did so is greater. The Teacher considered the Accused to be a dedicated teacher who was liked by the pupils.

49. I am satisfied that the Headmaster and the Careers Counsellor told the truth but their evidence was not only mainly hearsay but dependant on their narrative accounts; the reliability of which is questionable. In this case, there was extensive investigation by the school personnel before a complaint was made to the police. There were no verbatim accounts of the conversations which the Headmaster, the Teacher and the Careers Counsellor had with the Complainant and her Best Friend about the incident. The only evidence available of what took place during this internal school investigation are recollections from the witnesses' memories. Thus, the Headmaster and Careers Counsellor, although no doubt well intentioned, failed to follow the official guidance of the RoC MoE circular. Moreover their involvement particularly with the Complainant and the Best Friend interfered with the investigation. Multiple interviews using poor interviewing techniques, exposure to pornography and cross contamination of witnesses accounts, (not to mention active coaching), are all possible sources of bias and distortion. It is therefore not safe to draw an inference of truthfulness based simply on such consistency as there was ultimately between the Complainants and the Best Friend's evidence both in respect of the Accused's general behaviour but particularly in respect of the alleged incident itself.

50. The Classmate was the Complainants friend and a pupil of the Accused. The Complainants friendship with the Classmate apparently cooled after the alleged incident. The Classmate's statement was first hand hearsay since it was not signed. In the circumstances of her health, the Classmate's inability and/ or unwillingness to sign her statement and to testify does not detract in any way from the statement's contents. The Classmate's statement was given by her freely, willingly and knowingly and she confirmed the accuracy thereof as was confirmed by WPC 542 Sofia Kourti the interviewing officer statement who having taken it from her recorded it by typing it directly onto the computer (Defence Exhibit 3 & 3A), The Classmate's statement was not signed immediately due to technical difficulties. Defence issued a summons for The Classmate's attendance at court whereupon it transpired that there was evidence that The Classmate's attendance at court constituted a risk to her health (Exhibit 12 by consent).

51. In the absence of any evidence of bias or ulterior motive I treat the Classmate's statement as being that of a disinterested witness. Indeed, had the Classmate's statement been signed it could well have been the subject of agreed evidence rather than be tested by cross examination. Moreover, the Classmate's position as reported and commented on contemporaneously by all the prosecution witnesses is consistent insofar as she regarded the allegations against the Accused as being unfounded and his quirks as innocuous. There is thus no reason to doubt the Classmate's sincerity, objectivity or observational sensitivity. The Classmate is therefore an honest, reliable and credible although absent witness.

52. Considering all the applicable factors under articles 16 and 19 of the Evidence Ordinance 2010 in all the circumstances I determine that despite it being hearsay, I can then rely on the Classmate's statement (Defence Exhibit 3 & 3A) giving it at least equal weight to that of the testimony of the Complainant and the Best Friend.

53. The Accused was reasonably consistent throughout so I consider him to be credible. Nevertheless, the Accused accepted that he did indeed touch the Complainant. Whether this physical contact was reasonable and proportionate in all the circumstances must be considered.

54. There is some evidence as to the relationship generally and also specifically that relating to physical contact between teachers and pupils from the Teacher. The Teacher testified that pupils of hers were her Facebook friends and on her messenger accounts.
55. The Teacher (being female) accepted that she herself not only comes into physical contact with pupils, but also hugs female pupils. Hugs are of course inherently far more intimate and intrusive than a momentary touch such as is alleged here; namely a pat under the shoulder on the upper chest and back areas.
56. The use of emojis blowing lovehearts or kisses in the Complainant's text messages with the Teacher shows the informality in the Complainant's communications with teachers, (Exhibit 7A). There is even an image with a caricature holding a card with symbols depicting "*I love you*" (I, heart symbol, U) at photo 6 of Exhibit 7A being sent from the Complainant to the Teacher. Albeit this was in the context of the Teachers support for the Complainant after the incident, it is indicative not only of the level of informality with which the Complainant is clearly comfortable with at least with the Teacher, but also the Teacher's own understanding of the extent of the teacher – pupil relationship.
57. The Accused has been a teacher for many years, the last 7 of those in Cyprus, such evidence as is before me from the Headmaster, the Careers Counsellor the Teacher, and the Classmate suggests that he was well regarded by his colleagues as a dedicated professional and liked by the pupils.
58. The Accused himself appreciates that his general approach and demeanour to his pupils is not the norm insofar as he disapproves of formality and the general emphasis on pupils' test performances and awareness of the resultant stress on pupils. I accept in its entirety the Accused's evidence as to his actions, motives, intentions and behaviour generally.

59. I am satisfied that the Accused's alleged escalation of interest in the complainant was a sincere yet mistaken impression that the Complainant had after she became oversensitive to the Accused's facial expressions, behaviour and actions generally.

60. I am satisfied that the nature of the touching alleged in all the circumstances is so trifling that after hearing the case upon the merits even if it were to amount to battery I would have dismissed it had I the power to do so under the provisions of section 44 of the Offences Against The Person Act 1861.

VERDICT

61. I find that the Accused touched the Complainant as a spontaneous momentary reaction to the Complainant's apparent disappointment with her test to comfort her. The Accused misjudged the Complainant's feelings and reactions to his own body language, behavioural quirks and personality generally. The Accused was not reckless in doing so; because he had had no notice whatsoever of the Complainant's concerns about his behaviour. The Accused used no more force than was reasonable in the circumstances as he believed them to be. I therefore find that this was appropriate, proportionate and reasonable physical contact within the generally acceptable standards of conduct of a teacher comforting an apparently disappointed pupil.

62. The charge of assault by beating has not been proved beyond reasonable doubt, so I find the Accused not guilty.

HHJ Karamanis, T. C.

Associate Judge