

Rastafarian Parents Acquitted Of Failing To Send Homeschooled Children To Public School

On October 29, 2016, Charles Ijui Jah Lashley and Kim Isartes Ibte Jackman's convictions of failing to send their two homeschooled children to public school [were overturned](#) in Barbados. Lashley and Jackman are Rastafarians, and they had been found guilty in September 2016.

Homeschooling [is lawful](#) in Barbados if a parent is granted an exemption by the government to compulsory school attendance by all children from the ages of 5 to 16.

Lashley and Jackman were charged in the District 'A' Magistrates' Court with violating Section 41 Clause (b) of Barbados' Education Act, Chapter 41, on the basis there was no record their children were receiving a formal education.

The couple's homeschooled son and daughter, who are 12 and 9 respectively, have never attended public school. Lashley and Jackman never applied for — and hence were never granted — an exemption for their children's required public school attendance.

After their conviction and prior to their sentencing, the prosecution attempted to amend the charges to allege the couple had not sent their son to school "between 1st day of September, 2008 and 5th day of February, 2016," and their daughter "be-



Charles Ijui Jah Lashley (right rear), Kim Isartes Ibte Jackman (left rear), with their daughter (left front) and son (right front), outside the District 'A' Magistrates' Court after the acquittal of Lashley and Jackman on Oct. 31, 2016 (St. Lucia Times)

tween the 1st day of September, 2011 and 5th of February, 2016."

The couple's lawyer Andrew Pilgrim [re-sponded by describing](#) the prosecution's amendment as "absolute garbage." Pilgrim argued, "At this stage I am flabbergasted by this application. The prosecution was creating an offence against his clients spanning an eight-year period in relation to a 12-year-old child. ... These are truly unique circumstances. These people are already found guilty . . . he is changing the dates."

Pilgrim also argued their convictions should be set-aside because the prosecution did not introduce any evidence they maliciously violated the law, and no evidence was introduced their children experienced any negative consequences from being homeschooled.

Magistrate Douglas Frederick denied the prosecution's attempt to amend the charges. On October 29, 2016 he acquitted Charles Lashley and Kim Jackman, [and ordered](#) dismissal of the charges. Frederick's ruling was based on the prosecution's failure to introduce evidence the parents failed to keep their children from school "due to any malice." He stated: "When we heard all the evidence, these two people did not fail to register their children in a school . . . due to any malice. There is no evidence of that. In fact, they have some philosophical belief that the system will contaminate their children, so they have withheld them from that school environment."

After the judge's ruling, [Lashley told reporters](#), "Praises be to Rastafari Jah Holy faith, for Jah continuous guidance, oversight and protection of his children." He also said that a formal application would be

made for his children to be homeschooled.

The acquittal of Lashley and Jackman doesn't end their legal troubles. Based on the homeschooling of their children, the Child Care Board has filed an application for the government to seize their children and make them wards of the court.

A hearing on the application is scheduled in the High Court on December 13, 2016.

The attorney representing the children, Douglas Trotman, told reporters that in light of Lashley and Jackman's acquittal he was hopeful the High Court judge would rule in the parent's favor.

Well-known calypsonian and Rastafarian Adonijah told Barbados TODAY that he was happy with the dismissal of the criminal charge, and he was looking forward to dismissal of the Child Care Board's "ridiculous case" that was based on the children being homeschooled. [Adonijah said](#), "I cannot for the life of me understand why the Child Care Board would have been seeking to separate a family where there isn't even the slightest bit of suspicion of abuse or ill treatment. The only issue is an educational one which is being worked out." The described the CCB's case as "an unjustifiable attempt to rip some innocent children from the bosoms of a loving family."

Rastafarianism [was founded](#) in the 1920s in Jamaica. Rastafarians believe in the Judeo-Christian God, whom they call Jah. In general, Rastafarian beliefs are based in Judaism and Christianity, with an emphasis on Old Testament laws and prophecies and the Book of Revelation. Bob Marley was one of the most well known Rastafarians, who typically wear their hair in dreadlocks.

Sources:
[Barbados: Case against Rastafarians dismissed](#), *St. Lucia Times*, October 29, 2016
[Barbados](#), Homeschooling-International, [hslsda.org](#)
[Rastafarianism](#), ReligionFacts.com



"... any participant in our habeas regime would have to agree that it resembles a twisted labyrinth of deliberately crafted legal obstacles that make it as difficult for habeas petitioners to succeed in pursuing the Writ as it would be for a Supreme Court Justice to strike out Babe Ruth, Joe DiMaggio, and Mickey Mantle in succession—even with the Chief Justice calling balls and strikes."

Federal Ninth Circuit Judge Stephen Reinhardt in "Demise Of Habeas Corpus And The Rise Of Qualified Immunity," 113 *MichLawRev.* 1219.

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on. After he was imprisoned a police officer investigated Callahan's case and determined he had been misidentified. Based on the new evidence Callahan's trial judge recommended his pardon. On October 22, 1884 Daniel Callahan was granted a full pardon by Gov. Robinson, and he was released from prison.

The Innocents Database includes 8,100 cases of persons exonerated in the United States, and more than 900 of those exonerations were before 1989. The database is online at, [www.forejustice.org/exonerations.htm](#).

Sources:
[Acts and Resolves Passed](#) by the General Court of Massachusetts in the year 1885, Published by the Secretary of the Commonwealth, Wright & Potter Printing Co., Boston, 1885, p. 959-964.

