

**IN THE MAGISTRATE'S COURT AT KORO**  
**CRIMINAL JURISDICTION**

*Criminal Case No. 12 of 2018*

**STATE**

v

**SAKARAIA VULI**

Appearance : **SGT Shaw** for the prosecution  
**Accused** in person

Sentence : **24 September 2018**

**SENTENCE**

1. Sakaraia Vuli today is for sentencing for the offence of *Found in Possession of Illicit Drugs*, whereby you contravened *section 5(a)* of the *Illicit Drugs Control Act*.
2. On 21 June 2018, you waived your rights to counsel. On 13 September 2018, you pleaded guilty to the charge. I find your plea to be unequivocal as it was given on your own free will after the charge was fully explained to you in itaukei, a language of your choice.
3. The brief summary of facts are ; -

*"On 8 March 2018, a team of police officers raided the house of Sakaraia Vuli at Tuatua village, Koro where they found some dried leaves wrapped in Fiji Times newspaper beside a bed. Upon interrogation, Sakaraia Vuli showed DC 3730 Ropate the place where he hid some dried leaves. DC Ropate went to check and found 37*

*branches of dried leaves. The dried leaves were taken to the Forensic Lab for analysis where it was confirmed to be marijuana with weight of 173.3 grams."*

4. You admitted to the above summary of facts on 13 September 2018, and convicted as charged.
5. The maximum penalty for this offence is a fine of \$1,000,000.00, life imprisonment, or both fine and imprisonment. The tariff for this offence was set by the Fiji Court of Appeal in ***Sulua v State*** [2012] FJCA 33; AAU 0093.2008 (31 May 2012) where it categories the offence into four categories. In this case, the total weight is 173.3 grams and that falls under category 2. Category 2 is in possession of 100 – 1,000 grams of cannabis sativa. The tariff is between 1 – 3 years imprisonment. Possession below 500 grams sentence to less than 2 years. Possession more than 500 grams sentence to more than 2 years imprisonment.
6. In this case, the weight is less than 500 grams.
7. There is no aggravating factor in this case.
8. The compelling mitigating factors are;-
  - a. First offender,
  - b. Young offender of 21 years old
  - c. You seeking the court forgiveness.
9. For your sentence, I pick 2 years as my starting point. I reduce 6 months for your mitigation and that reduce your sentence to 18 months imprisonment.
10. You entered an early guilty plea and you are entitle for a one third reduction of 6 months. That reduce your sentence to 12 months imprisonment.
11. In perusing the court record, it shows that you have been in remand for about 2 weeks. I reduce that from your sentence and it reduce your sentence to 11 months and 2 weeks imprisonment.

12. In this sentence, I have considered *section 4* of the *Sentence and Penalties Act*, the principles of rehabilitation and deterrent. Considering the national efforts in trying to combat the rise of illicit in drugs in our country, deterrent sentence both specific and general need to be issued to denounce such criminal activity.
13. Sakaraia Vuli, I now sentence you to 11 months and 2 weeks imprisonment with immediate effects. This sentence is below the tariff due to the period you spent in remand.

**28 days to appeal.**



C. M. Tuberi

RESIDENT MAGISTRATE