

IN THE HIGH COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

REPUBLIC OF THE MARSHALL ISLANDS)
)
 v.)
)
 BILLY TOKA)
)
 Defendant)

Criminal Case E2005-001

Conviction and Sentence

FILED

APR 15 2005

CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

Appearances: Assistant Attorney Melvin Naruhan counsel for the Republic
Public Defender Elsie Hudson counsel for Defendant

Clerk Armon Bolkiem
Reporter Grace Aleo

With respect to Defendant Billy Toka this matter came before the Court on Thursday April 14, 2005 for entry of a guilty plea and consideration of a stipulated sentence agreement pursuant to rule 19(c).

Defendant was charged possession or selling and control of a narcotic drug in violation of sections 903(a) and (b) of the Narcotic Drugs (Prohibition and Control), specifically less than 1/4 an ounce of cocaine in violation of section 909(a) and (b).

The terms of the plea agreement are as follows:

1. Defendant pleads guilty to possession of a narcotic drug in violation of section 903(a) of the Narcotic Drugs (Prohibition and Control), specifically less than 1/4 an ounce of cocaine in violation of section 909(a).
2. Count 2 is dismissed.
3. Defendant is sentenced to 5 years in Majuro Jail with credit for time served.
4. Execution of 2 years of the sentence is suspended pursuant to 31 MIRC §189, during which time the Defendant shall be on probation. During the period of probation the Defendant shall obey all laws of the Republic, refrain from consuming alcohol and remain in Majuro.
5. Defendant is to under go a drug rehabilitation program during his time in custody if it is available.
6. Defendant shall pay a fine of \$5000.00

After questioning the Defendant and both counsel the Court makes the following findings:

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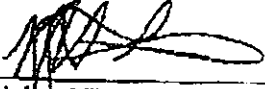
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1. The Defendant understands and knowingly and intelligently waives his right to trial.
2. The Defendant's plea of guilty is voluntarily made.
3. The Defendant understands the consequences of his plea and it is made after he has been provided with effective legal counsel.
4. There is a factual basis for the plea.

The Court therefore ORDERS:

1. Defendant pleads guilty to possession of a narcotic drug in violation of section 903(a) of the Narcotic Drugs (Prohibition and Control), specifically less than ¼ an ounce of cocaine in violation of section 909(a).
2. Defendant is sentenced to 5 years in Majuro Jail with credit for time served. If possible Defendant should serve the sentence on Kwajalein Atoll, determination of the location of the period of custody will be at the discretion of the Chief of Police or Superintendent of Prisons.
3. Defendant will serve 3 years.
4. Execution of 2 years of the sentence is suspended pursuant to 31 MIRC §189, during which time the Defendant shall be on probation. The probation shall extend 2 years.
5. During the period of probation the Defendant shall obey all laws of the Republic, refrain from consuming alcohol and remain in Majuro.
6. Defendant is to undergo a drug rehabilitation program during his time in custody if it is available.
7. Defendant may be released on probation March 20, 2008.
8. Defendant shall remain on probation until March 20, 2010.

Dated March 14, 2005


Richard Hickson
Associate Justice