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PUBLIC PROSECUTOR - v - GEORGE WILLIAM

Coram: *Chief Justice Vincent Lunabek*

Counsel: *Ms Viviane Laumae for the Public Prosecutor
Mr Henzler Vira of Public Solicitor's office for the Defendant*

SENTENCE

The Defendant, George William, pleaded guilty to one count of possession of cannabis, contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12].

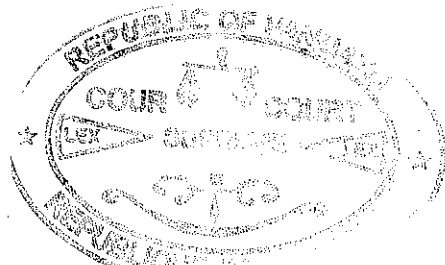
The brief facts are set out in the prosecution brief of facts:-

The Defendant, namely, William George, is charged with possession of cannabis contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12].

On the 9th of September 2009, Constable Police Annette Nagof applied for a search warrant to be issued to search William George's residence. During the search, the police officers found 17.50 grams of dried cannabis leaves and 5.32 grams dried seeds of cannabis in Mr George's house. The dried leaves were found hidden inside a magazine underneath your mattress and the dried seeds were found in an empty bottle of peanut butter in your clothes shelve inside the room.

The pre-sentence report shows the following:

The Defendant is of 36 years of age. He comes from Tongoa Island and lives at Agathis area, Port-Vila. He finished Primary School with class 6 level certificate. He



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could not go further because of school fees problems. He sells kava for his income. He looks after his two sons financially and physically. He has a special cord problem because he fell from a coconut tree on the 16th August 1999. He is now using crutches to support him. He does not consume alcohol but smoke marijuana ever since 2006 and consume kava.

Defendant pleaded guilty at the first opportunity given to him. He is a first time offender. He appears to demonstrate insight of his offending. He shows empathy or remorse of his offending when he realizes he should not have done what he did. He was concerned about the welfare of his children. He seems motivated to address his offending behaviour.

The total weight of cannabis substance at the possession of the Defendant is: 24.06 grams. They were tested positive. Defendant George William is convicted for possession of cannabis, contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12]. He is sentenced to 10 months imprisonment suspended for 2 years. The Defendant is ordered to perform 100 hours of Community Work. The total amount of cannabis leaves seized at the possession of the Defendant, George William, must be condemned. The prosecution and the defence counsel, the police and the Supreme Court Registrar to organize the destruction of the said seized cannabis plants from this Defendant.

The Defendant has 14 days to appeal.

DATED at Port-Vila this 17th day of December 2009

BY THE COURT

**Vincent LUNABEK
Chief Justice**

