

**PUBLIC PROSECUTOR - v - JAYNERY TABI**

**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**

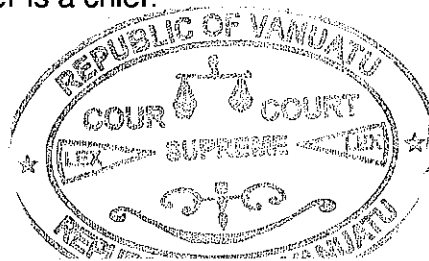
This is the sentence of the Defendant, Jaynery Tabi. Jaynery Tabi is charged with one count of possession of cannabis and he pleaded guilty to that offence, contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12]. The Defendant is 22 years of age. The Defendant lives at Ohlen area with Enock Bule. He comes from Tanbok in Central Pentecost.

On the 2<sup>nd</sup> day of November 2009, about 9.50AM, police officer Edward Atkin arrested Mr Jaynery Tabi for unlawful possession of cannabis leaves in Port-Vila. The cannabis leaves were fully packed in a black handbag which Mr Tabi was carrying with him in Port-Vila town.

On 3<sup>rd</sup> day of November 2009, CID officer Uriel Leo interviewed Mr Tabi at the police station and Mr Tabi admitted to the allegation held against him.

The exhibit is a black and grey with Puma labeled on the back which contained green leaves of cannabis. The bag was full of green leave of cannabis. They tested positive. They were not weighed.

The same day report shows that the Defendant is a Ni-Vanuatu. He is originated from Tanbok village in the Central Pentecost Island. He travelled to Port-Vila on August 2009 to sell his kava and resides with his uncle at Ohlen area. He has two brothers and 1 sister. They all live in Pentecost. His father is a chief.



The Defendant has 2 big gardens of kava and taro in which he sells for his income as well as his pigs and chicken. He has skills in constructing local houses and gardening. He would like to become a high ranking chief in his island community. The Defendant does not attend any schooling. His father raised him up to be a chief and follow his father's footsteps in promoting custom and culture.

The Defendant participates well with the community activities and maintains a good relationship with his community, the chief and the members of the community.

The Defendant told the writer of the report that he consumes kava daily but he does not consume alcohol and he does not smoke cannabis. The Defendant stated he was walking around with the cannabis branch to show it to his uncle, a CID officer, as the police officer spotted the branch sticking out of his hand bag and he arrested him.

He is interested in undertaking rehabilitation programs.

Possession of cannabis leaves or plants or seeds is a serious offence. The maximum penalty imposed by law is 100 million Vatu or 20 years imprisonment or both.

The Defendant, Jaynery Tabi is convicted and sentenced to 100 hours of community work for possession of cannabis, contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12].

The cannabis leaves and branches seized from this Defendant must be condemned. The prosecution and the defence counsel and the police and the Court Registrar to organize the destruction of the said cannabis seized from this Defendant.

The Defendant has 14 days to appeal this sentence if he is not happy with it.

**DATED at Port-Vila this 21<sup>st</sup> day of December 2009**

**BY THE COURT**

**Vincent LUNABEK  
Chief Justice**

