

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

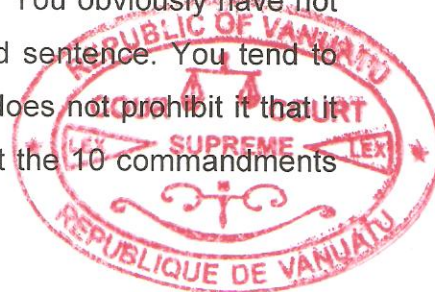
ISING TAMAT BICE

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Inspector August Beta, State Prosecutor for Public Prosecutor
Mr Kevin Nathan for the Defendant

SENTENCE

1. Ising Tamat Bice, you admitted to a charge of cultivation of cannabis contrary to section 4, and to unlawful possession of cannabis plants contrary to Section 2(62) of the Dangerous Drugs Act Cap 12.
2. The facts show that you do grow cannabis plants at your home at Melip, South Malekula. On 28th May 2010, you shipped the plants to Luganville for the purposes obviously of supplying and selling. Luckily, you were caught by Police at the wharf in time so you could not supply and sell them. The weight of the plants were assessed at 18.9 kg. You have accepted those facts as correct.
3. The maximum penalty for drug offences is 20 years imprisonment or a fine of VT100 Million. That indicates that these offences are very serious indeed.
4. I note from your pre-sentence report that you were convicted for unlawful possession of cannabis plants on 15th June 2007 and was sentenced to 200 hours of community service. You obviously have not learnt or been deterred by that conviction and sentence. You tend to believe that because the 10 commandments does not prohibit it that it is alright for you to plant it and to use it. What the 10 commandments



specifically prohibits among others, is that people [“shall not have other gods before me”]. If therefore as you have stated in your pre-sentence report that you find it hard to quit cultivating and using the plant, could it be that it has become your “god” and if so, could it be that by planting it and using it, you are actually breaking God’s Commandment, rather than keeping it, contrary to what you believe? Be that as it may, one thing is clear. You have broken the laws of Vanuatu and for a second time. And there appears to be no remorse at all on your part.

5. For the Court, the only appropriate sentence for you is a custodial one. I therefore convict you of two charges of cultivation of cannabis, and for unlawful possession of it. Accordingly, I sentence you to 15 months imprisonment for cultivation of cannabis plants and to a further 15 months imprisonment for unlawful possession. These will be served concurrently.
6. You have been in custody since 15th June 2010. I order that 2 months and 12 days be deducted from your 15 months. You have a balance of 13 months and 18 days to serve. Your term of imprisonment begins today.
7. I order that the cannabis plants held by Police be condemned and destroyed by 5.00 p.m today.
8. That is the Sentence of the Court. If you disagree with this sentence, you may appeal within 14 days from today.

DATED at Luganville this 27th day of August 2010.

BY THE COURT


OLIVER A. SAKSAK
Judge

Judge

