

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

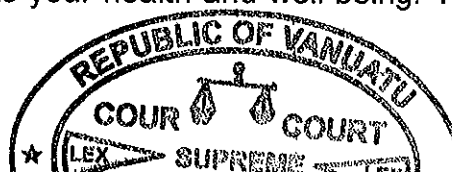
Criminal Case No. 50 of 2010

PUBLIC PROSECUTOR
V.
TUX SOPE

Coram: Justice D. Fatiaki
Counsel: Mr. Standish for the State
Mrs. Pakoasongi for the Defendant
Date of Sentence: 24 August 2010

SENTENCE

1. The Defendant appears today for sentence after his conviction for an offence of Possession of a Prohibited Substance: contrary to section 2 (13) of the Dangerous Drugs Act [CAP. 12].
2. The incident arose from a drunken altercation that the Defendant had with his employer's son which was reported to the police who went to the Defendant's home in Pango Village and arrested him. The Defendant was taken to the Police Station where he was searched and dried leaves were confiscated from his possession. Subsequent tests confirmed that the leaves were cannabis and weighed 19.8 grams. The Defendant elected to remain silent during his police interview but freely pleaded guilty in Court when the charge was put to him.
3. The Defendant is 31 years of age, married and the father of 2 young girls aged 3 and 9 years respectively. At the time of the offence he was employed as a chef at Breakers Resort and continues to be employed even after the incident. During his pre-sentence report interview the Defendant apologized and expressed his embarrassment at his behaviour. He sought "*another chance to provide for his family and to change his behaviour and become a good role model for his two young daughters*". He also expressed a willingness to undertake counselling. Although he started using cannabis in 2004 the Defendant claims that he has stopped using cannabis since the incident.
4. Tuk Sope this Court does not have to remind you that long term use of cannabis is harmful to your health and well-being. You yourself have said

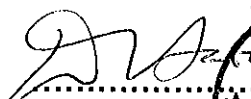


that you suffered loss of memory and an inability to do heavy work. You are middle-aged and a father and you owe it to yourself, you family and the wider community to become a responsible law-abiding person. You cannot continue to use cannabis as this is your second conviction for the same offence. Your first conviction occurred in 2004 and you were sentenced to 3 months imprisonment suspended for 12 months (see: PP v. Sope [2004] VUSC 62). Since then you have managed to stay out of trouble and it is a shame that you have not been able to continue to do that.

5. I accept that you were not arrested for this offence in the first place and furthermore you were not charged with any offences directly related to your arrest. To that limited extent you might be considered unlucky. But the fact that you had cannabis in your possession indicates that you have not been able to break that life-threatening habit.
6. I am satisfied having regard to your guilty plea and the small quantity of drug involved, as well as the length of time that you have been able to stay out of trouble since your last conviction, that all is not lost. I am therefore willing to give you the "*second chance*" that you ask for in the hope that your young family will be a sufficient incentive for you to reform yourself and begin a drug-free life and a good role-model.
7. However to assist you in that endeavour and be a reminder to you, I will impose a sentence of 6 months imprisonment suspended for 2 years. This means that if you are convicted of another offence within the next 2 years you will be required to serve this sentence of 6 months imprisonment in addition to any other sentence you may receive for your re-offending.
8. In addition, you are also sentenced to 12 months supervision with the following special conditions:-
 - (1) That you undertake counseling as directed by a Probation Officer; and
 - (2) That you undertake an alcohol and drug rehabilitation programme through the Wan Smol Bag Youth Centre as directed by a Probation Officer.
9. You have 14 days to appeal against this sentence if you do not agree with it.

DATED at Port Vila, this 24th day of August, 2010.

BY THE COURT


D. V. FATIAKI
Judge.

