

CF

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

CRIMINAL CASE No.10 OF 2011

PUBLIC PROSECUTOR -v- GEORGE TITUS

Coram: *Chief Justice Vincent Lunabek*

Counsel: *Mr Felix Ngwango for the Public Prosecutor
Mr Tom Loughman for the Defendant*

SENTENCE

Mr George Titus, on 2 March 2011, you pleaded guilty to one count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12] and you were convicted of that offence accordingly. Today, you appear for your sentence. The brief facts are that on the 9th of February 2011 at 17.50hrs at the Parliament Park during the Kymani Marley concert, you were arrested by police officers after being found in possession of cannabis. This is a result of the searches made by police officers at the entrance of the concert premises on individuals before entering. You were then taken to the police and detained in cell #6.

On the 10th February 2011 around 14.14hrs the Complainant Smith Wuwut (Police officer) released you from cell #6. Police Officer Terry Lapinpal cautioned you and your rights were being read to him. You understood your rights and then signed. You were also given a suspect statement in which you admitted to the offence stating that the cannabis found by the police officers on you were yours alone.

In your statement you stated that you drunk a bit of kava at the 24 hours nakamal and came across the following boys: Mahit and Erick from Malekula as well, and Roger lauko. You and your friends soon left the Nakamal and walked through the entrance of the Parliament Park. You were searched by the members of the Vanuatu Mobile Force (VMF). One of the VMF members found a cigarette and a lighter to which you realized that you would be caught. You then took out four big rolls of marijuana (cannabis) hidden in your shoes. You stated also that you do not sell marijuana but



rather smoke it. The test on the material substance confiscated from you was positive. This means that they are of cannabis substance. They weighed 19.89 grammes.

The offences are serious matters as reflected in the maximum penalty set by law of a fine of a fine of Vatu 100 millions or 20 years imprisonment or both.

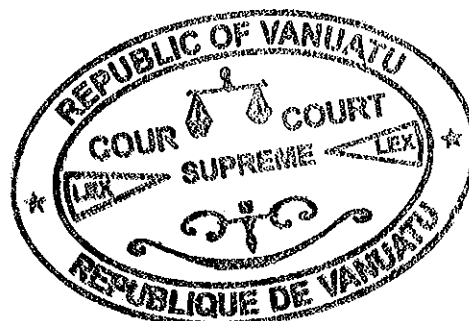
In your sentencing, I peruse and read the submissions of the prosecution and those of your own lawyer on your behalf. I have also perused the pre-sentence report filed by the Probation Services. I note that you have a previous conviction for malicious damage to property and sentenced to community work. I disregard t for your sentence today.

In mitigation, you are a young man of 20 years of age. You are single and reside with your parents at No.2 Wallis area, Port-Vila. You are currently a student at V.I.T. You are studying engineering. You pleaded guilty at the first opportunity given to you. You cooperated with the police and you are remorseful for your offending as you said you committing the offence and also you smoke cannabis under the influence and pressure of you peer group.

I sentence you to 8 months imprisonment and suspended it for a period of 12 months.

In addition, I sentence you for 6 months supervision under the following special conditions:

1. You shall attend spiritual programs with the Pakaroa Church.
2. You shall undertake 'Niufala Rod Program' as directed by the Probation Officer.
3. You must not associate yourself with your friends who live at Anabrou, Ohlen, and Stade area.
4. You must reside with your parents at No.2 Wallis area, Port-Vila.
5. You shall undertake educational program as directed by the Probation Officer.

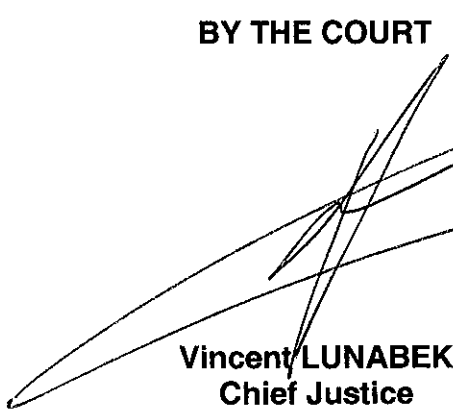


It is separately ordered that cannabis substance confiscated from you shall be condemned by the police/prosecution by 14 days.

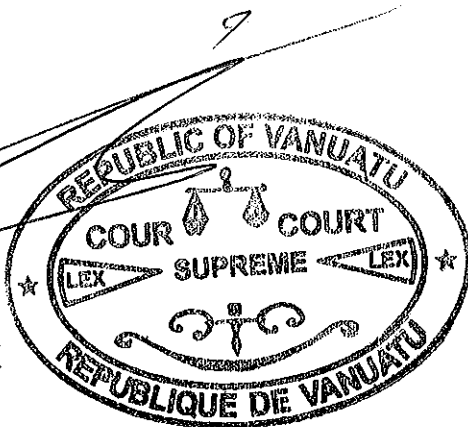
You have 14 days to appeal against your sentence if you are unsatisfied with it.

DATED at Port-Vila this 24th day of March 2011

BY THE COURT



Vincent LUNABEK
Chief Justice



The seal is circular with the text "REPUBLIC OF VANUATU" at the top and "REPUBLIQUE DE VANUATU" at the bottom. In the center, it features a scale of justice and the words "COUR SUPREME COURT" with "LEX" on either side. There are two stars on the left and right sides of the seal.

CF

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

ORDER FOR SENTENCE OF SUPERVISION
(Section 58F Penal Code Amendment Act 2006)

Name: **GEORGE TITUS**

DOB: **20 years**

Residential location: **PORT-VILA, EFATE**

At a sitting of the Supreme Court this 24th day of March 2011, you were sentenced to 8 months and 12 months supervision and to be served concurrently which means you shall serve a total of 12 months supervision following convictions for:

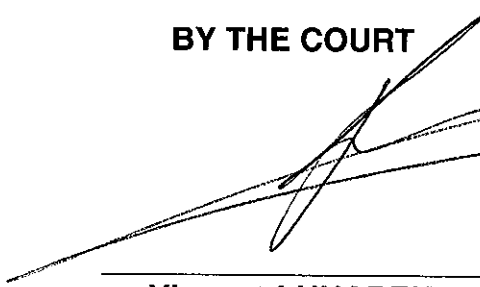
<u>Criminal Case number:</u> CR Case 10 of 2011	<u>Offence(s):</u> - 1 count of Possession of cannabis contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12]
---	--

In addition to the standard conditions of Supervision (to be given to the offender) the Court has imposed the following Special Conditions:

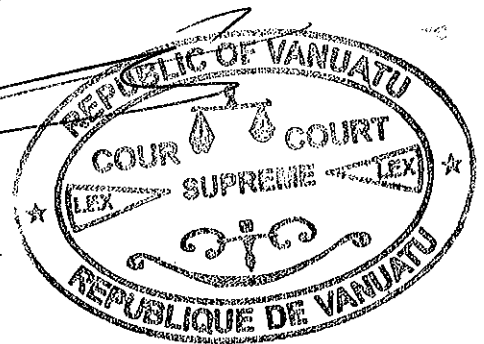
<u>Special Condition:</u> 1. You shall attend spiritual programs with the Pakoa Church. 2. You shall undertake 'Niufala Rod Program' as directed by the Probation Officer. 3. You must not associate yourself with your friends who live at Anabrou, Ohlen, and Stade area. 4. You must reside with your parents at No.2 Wallis area, Port-Vila. 5. You shall undertake educational program as directed by the Probation Officer.
--

DATED at Port Vila this 24th day of March 2011

BY THE COURT



Vincent LUNABEK
Chief Justice



Standard Conditions Of Supervision

1. You must report in person to a probation officer as soon as practicable and not less than 72 hours after the sentence is imposed.
2. You must report to a probation officer as and when required to do so by a probation officer and must notify the probation officer of your residential location.
3. You must not move to a new residential location without the prior written consent of a probation officer.
4. You must take part in a rehabilitative and re-integrative needs assessment and/or programme if and when directed to do so by a probation officer.

Other rules of the sentence of Supervision will be explained to you when you meet your Probation Officer

