

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

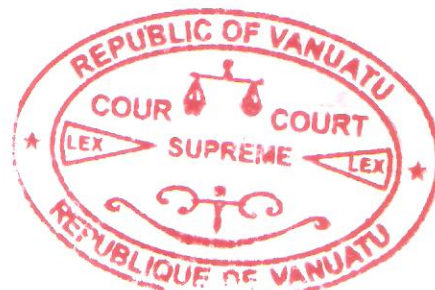
TALIE AMOS

**Mr Justice Oliver A. Saksak
Mrs Mandeng M. John – Clerk**

**Mr P. Wirrick for Public Prosecutor
Miss J. Tari for the Defendant**

SENTENCE

1. Talie Amos you pleaded guilty to one charge of Unlawful Possession of cannabis contrary to Section 2 (62) of the Dangerous Drugs Act Cap 12.
2. You must realize that you have committed a very serious offence because Parliament has clearly stated that the maximum penalty for this offending is 20 years imprisonment or a fine of VT100 million.
3. You have admitted having 12.293 grams of cannabis on your person on 4th July 2011. From the facts it appears you have in the past dealt in Cannabis. You were fortunate not to have been charged for supply and sale of cannabis. For this offending the facts show that you had the seeds concealed in pot plants when you brought them over from Malekula. You had a clear intention to supply and to sell the substance as you revealed yourself on your caution statement to the Police and in your Pre-Sentence report.



4. Those factors place your offending on a higher degree of seriousness than the cases of PP v. Sope [2004] VUCA 14 and PP v. Fanton Sale [2011] VUSC 18.
5. Considering all the circumstances of your offending, I consider that the most appropriate punishment to be imposed is to be a custodial sentence but with suspension. I therefore convict and sentence you to imprisonment for a term of 6 months but suspended for a period of 2 years from this decision. This suspension is made under Section 57 of the Penal Code Act. You must understand that within a period of 2 years you must not commit this offence again, or any other criminal offence for which you would be charged. If you do, your sentence of 6 months imprisonment will automatically be activated.
6. To mark the seriousness of your offending and to deter you and others, the Court imposes an Order of Community Service of 40 hours under Section 58 N of the Act. You must report to the Probation Service within 72 hours from today's date for further instruction on how and when to begin to do your 40 hours of Community Service. An Order to that effect will issue in due course.
7. That is the sentence of the Court. You have a right of appeal within 14 days if you so choose.

DATED at Luganville this 19th day of August 2011.

BY THE COURT

OLIVER A. SAKSAK

Judge.

