

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

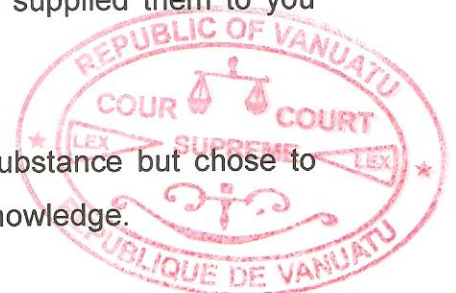
JACK BASIL

**Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk**

**Mr P. Wirrick for Public Prosecutor
Ms J. Tari for Defendant**

SENTENCE

1. Jack Basil you pleaded guilty to one charge of unlawful possession of cannabis contrary to section 2 (62) of the Dangerous Drugs Act Cap 12.
2. The facts of the case show that on 28th April 2011 you had in your possession 38 rolls of cannabis weighing about 8 grams. These were discovered at a kava nakamal where you were employed at the time. On arrest and on interview you admitted to having possession of cannabis.
3. In sentencing you today I take into account the aggravating features of your offending which are –
 - (a) The high risk of supply and/or sale of cannabis at your work place being a kava nakamal.
 - (b) The prohibited substance were prepared i.e. rolled up into 38 rolls indicating they were ready for commercial transactions.
 - (c) Your omission to disclose who prepared or supplied them to you shows a degree of dishonesty on your part.
 - (d) You were aware of the illegal use of the substance but chose to have them in your possession despite that knowledge.



4. Due to these aggravating features the appropriate sentence the Court will impose will be a custodial one. And the Court sentences you to 6 months imprisonment.
5. I take into account the following mitigating factors –
 - (a) You are a first time offender.
 - (b) Admissions of guilt at the earliest opportunity.
 - (c) Being a young man of 18 years.

For those factors your sentence of 6 months will be suspended for a period of 2 years. You must understand that you must not re-offend within this period of 2 years. If you do, this suspended sentence will automatically be activated against you.

6. The Court has applied the principles in PP v. Sope [2004] VUCA 14 in imposing this sentence.
7. The Court has had regard to your pre-sentence report and the recommendation made by the probation officer, however in the Court's opinion, a sentence of community service is not appropriate in your circumstances.
8. That is the sentence of the Court. You have a right of appeal within 14 days from today's date.

DATED at Luganville this 17th day of June 2011.

BY THE COURT


OLIVER A. SAKSAK

Judge

