

PUBLIC PROSECUTOR – VS – JIMMY TASSO

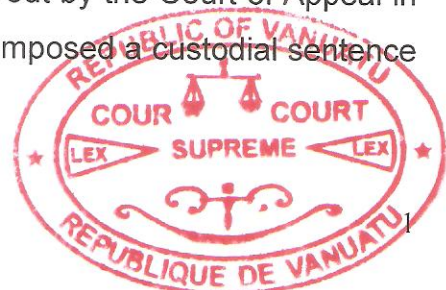
Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Mr. Ken Massing for Public Prosecutor
Mr. Lent Tevi for the Defendant*

Date of Submissions Hearing and Sentence: *2nd July 2013*

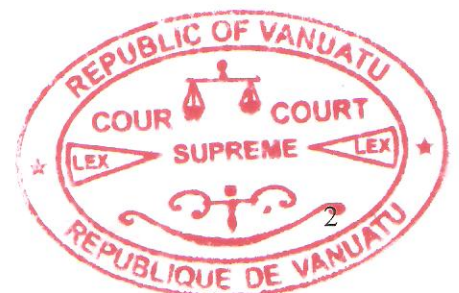
SENTENCE

1. Jimmy Tasso you admitted in the morning when the charge was put to you that on 3rd March 2013 you had in your possession cannabis leaves.
2. The leaves were found by the police in your trousers pocket after your defacto wife complained to them. The police took these and tested them to be positive. The weight recorded was 0.693 grams. You have accepted these facts.
3. You are reminded that the law is very strict about cannabis because the Dangerous Drugs Act Cap 12 provides a general punishment for unlawful possession of cannabis being a maximum penalty of VT100 Million or imprisonment for 20 years or both.
4. To go to prison for possession 0.693 grams of cannabis would make little sense. So the Courts must look to other cases for guidance and assistance.
5. The Prosecutions submit the cases of Naio v. Public Prosecutor [1998] VUCA1 and Public Prosecutor v. Carl [2011] VUSC 12. Defence Counsel submits the case of Public Prosecutor v. Judah Simon [2013] VUSC 72. In Judah's case this Court applied the principle set out by the Court of Appeal in Public Prosecutor v. Sope [2004] VUCA 14 and imposed a custodial sentence



of 2 months and 23 days with suspension for 12 months for unlawful possession of 0.785 grams of cannabis.

6. Mr. Tevi submits a suspended sentence would be beneficial to you. The Court agrees with that submission.
7. You are a young man of 24 years old living with a defacto wife and a one year old daughter. Your pre-sentence report indicates you recently have full time employment with NISCOL and that you are the only breadwinner for your young family and mother. You have had a good education obtaining a year 12 Certificate from Malapoa College. It is a pity that you should put all that achievement down the drain only for the sake of a few smoke of marijuana. Your report indicates also that you started consuming marijuana when you were still a student at Malapoa College. You have to realise that if you do not put an end to this habit, you stand to lose your job, your family and everything else that your parents and yourself have sacrificed and strived for all these years to achieve.
8. It is for that purpose that this Court sees fit to impose a suspended sentence which will not only deter you, but which will give you an opportunity to keep away from wrong company and to make every effort to rehabilitate.
9. The Court agrees with Mr. Massing that there is no aggravating features.
10. Under those circumstances and applying Sope the convicts you and sentences you to imprisonment for a term of 5 months but with suspension for a period of 2 years.
11. This suspension is made pursuant to Section 57 of the Penal Code Act Cap. 135. You must understand that within a period of 2 years you must not commit this same offence or be convicted of any other offence against any Act, Regulation, Rule or Order. If you do you will go to prison for 5 months.



12. Under Section 18 of the Dangerous Drugs Act the Court condemns to destruction any part of the substance held by the Police or the Prosecution within 7 days from the date of this Sentence.

DATED at Luganville this 2nd day of July 2013.

BY THE COURT


OLIVER A. SAKSAK

Judge

