

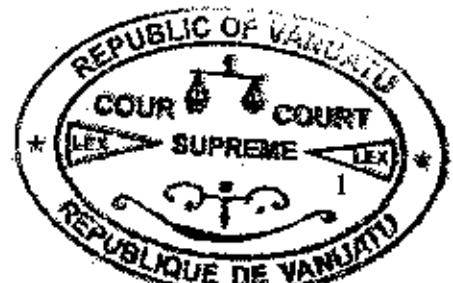
**PUBLIC PROSECUTOR – VS – CYRUS JOSHUA  
GREG MASANGA  
ROBSON LUI  
TERRY TAREY**

**Coram:** *Mr. Justice Oliver A. Saksak*

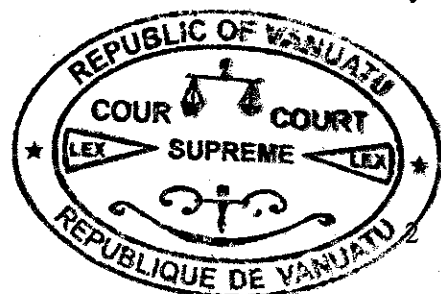
**Counsel:** *Mr. Ken Massing for Public Prosecutor  
Ms. Jane Tari for Defendants*

**SENTENCE**

1. Cyrus Joshua, Greg Masanga, Robson Lui and Terry Tarey on 7<sup>th</sup> May 2013 you all pleaded guilty to one count each of unlawful possession of cannabis contrary to section 2(62) of the Dangerous Drugs Act [Cap. 12].
2. The maximum penalty for this offence is a fine not exceeding VT100 Million or imprisonment not exceeding 20 years.
3. On 19<sup>th</sup> April 2013 at the Chapuis Soccer Stadium you were arrested by Police on suspicion of having possession of cannabis. Upon search, the Police found 16 rolls of cannabis weighing 6.931 grams on you Cyrus Joshua. These were prepared and placed in an empty cigarette packet. And for you Greg Masanga, the Police found 5.293 grams of cannabis. On you Robson Lui, the Police found 0.98 grams. And on you Terry Tarey, the Police ground 0.59 grams of cannabis.
4. Adopting the principle in Public Prosecutor vs. Tuk Sope [2004] VUCA 14, I consider suspension of sentences of imprisonment to be proper punishment for each of you. This is to ensure that the punishment imposed on you have a deterrent effect and further to also give you all an opportunity to rehabilitate.



- 5.1. You are all young men. Cyrus Joshua you are 24 years old. You were previously convicted in 2004 to 8 months imprisonment and a fine of VT5.000 for intentional assault. You are single but living in a defacto relationship with no current employment. You have expressed remorse for your offending and have confessed to a priest.
- 5.2. Greg Masanga, you are 23 years old, the son of a pastor. You last worked on the MV Vatkoro as engineer but you left in March 2013. You are single and currently unemployed. You also have expressed remorse and confessed your offending to a priest. You are a first time offender.
- 5.3. Robson Lui, you are also 23 years old, single but living in a defacto relationship. You are currently unemployed. You are a first time offender. You have expressed remorse.
- 5.4. Terry Tarey, you are 27 years old, single and living in a defacto relationship. Currently you are unemployed. You have expressed remorse. You are a first time offender.
6. The Prosecutions submit that each of you should be sentenced to imprisonment for 6 – 12 months but that those sentences should be suspended for a period from 12 – 24 months.
7. Defence Counsel endorses that submission.
8. Each of you were arrested among a large crowd of people who had gone in to watch soccer matches. You all had certain quantities of cannabis capable of being sold or supplied. Cyrus Joshua and Greg Masanga had the largest quantities. Further, Cyrus Joshua had 16 rolls prepared and ready for use or supply. There is no evidence of sale or supply. But apparently there was a risk of the substance being sold or supplied had you not been apprehended by Police.



9. It is under those circumstances that the Court will convict and punish each of you as follows:-

(a) Cyrus Joshua – You are convicted and sentenced to 7 months imprisonment but suspended for a period of 16 months. Within this period you must not reoffend or commit any other offences for which you would be charged and convicted. If you do, you will go to prison for 7 months.

(b) Greg Masanga – You are convicted and sentenced to 6 months imprisonment but suspended for a period of 12 months on condition that you must not re-offend or commit any other offences for which you would be charged and convicted. If you do, you will go to prison for 6 months.


(c) Robson Lui and Terry Tarey – You are both convicted and sentenced to imprisonment for 3 months but suspended for a period of 12 months on condition that you both must not re-offend or commit any other offences for which you would be charged and convicted. If you do, you both will go to prison for 3 months.

10. It is hoped that by these sentences all of you will, not only be deterred but that you must all make some serious effort to stop being involved with cannabis. It bears to remind you all that if you do not take this opportunity seriously you may end up in prison. The choice of what tomorrow holds for you is entirely in your hands.

11. Those are the Sentences of the Court. Each of you has a right to appeal against sentence if you do not agree with it, but you should do so within 14 days.

DATED at Luganville this 5<sup>th</sup> day of August 2013.

BY THE COURT

  
OLIVER A. SAKSAK

Judge

