

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

Criminal Case No.40 of 2013

**PUBLIC PROSECUTOR**  
**-V-**  
**JOE JOHN**

**Coram:** Justice D. V. Fatiaki  
**Counsels:** Mr. T. Karae for the State  
Mr. H. Vira for the Defendant  
**Date of Sentence:** 11 June 2013

**SENTENCE**


1. Joe John, you appear today for sentence on a charge of Possession of Cannabis contrary to Section 2 of the Dangerous Drugs Act [CAP. 12]. The brief facts of the case which you admitted are as follows:
2. On the early morning hours of 6 March 2009 you were observed by police officers in Maxi Million Nightclub, rolling and sharing "joints" with your friends. You were then arrested and taken to the Central Police Station where you were searched and suspected plant material was recovered from your trouser pocket. The plant material was analysed and tested positive for cannabis. It weighed 1.5 grams. You were then interviewed by the police and you freely admitted the offence.
3. Although police investigations were completed in March 2009 you were not brought before the Magistrate's Court until 21 May 2013. Why there has been such a delay in bringing this case to court is unexplained but, whatever the reason, it was inordinate and inexcusable. It has also unfairly hung over your head for the past 4 years, and cannot be ignored by the Court in considering what sentence to impose on you.
4. As a result of the 4 year delay your personal circumstances have also changed considerably. You are now 24 years of age, in a steady defacto relationship with a 3 year old child to care for. You are gainfully employed and you provide for your family's needs by subsistence farming and working as a gardener.



5. This was your first offence and you have remained out of trouble for the past 4 years. You have never denied committing the offence as evidenced by your early admission to the police and guilty plea to the offence at the first opportunity in Court.
6. The amount of cannabis that was in your possession was a non-commercial quantity and, although you were seen rolling and distributing "joints" to your friends at the nightclub, there is no suggestion that you received any payment or are a known dealer of cannabis. That was also 4 years ago.
7. I am also mindful that you have been remanded in custody for a week to await your sentence and I trust that having experienced life in prison you will never wish to return there again and you will determine not to be involved with cannabis in future.
8. Accordingly, and consistent with recent sentences of this Court in similar cases, I sentence you Joe John to a sentence of supervision for 12 months with a special condition that you undertake and complete the Niufala Rod Programme under the supervision of a probation officer.

**DATED at Port Vila, this 11<sup>th</sup> day of June, 2013.**

**BY THE COURT**

  
**D. V. FATIAKI**  
Judge.

