

PUBLIC PROSECUTOR
v
GUENTIN PANIEL

Before: *Hon Chief Justice Vincent Lunabek*

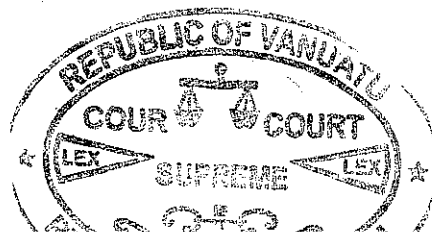
In Attendance: *Ms. M. J. Meltebury for Public Prosecutor*
Ms. F. L. Kalsakau for the Defendant

Date of Plea: *22 August 2023*

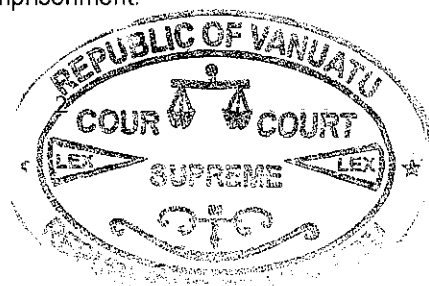
Date of Sentence: *9th October, 2023*

SENTENCE

1. You appear for sentence on one count of possession of cannabis, contrary to section 2 (62) of the Dangerous Drugs Act [Cap 12] and one count of Domestic Violence, contrary to section 10 (1) and 4 (1) of the Family Protection Act No. 28 of 2008. On 22 August 2023, you entered guilty pleas on both counts.
2. You are a young man of 20 years old; you are from Malekula Island. You live with your parents at Freshwater 4 area and you are a single.
3. The Complainant is your own biological mother.
4. Your mother has been suspecting you of smoking cannabis since 2020 when your behavior at home was changing. She alleged that you were becoming aggressive towards her and other family members at home and would get cross easily over the smallest issues. You were also becoming very disrespectful towards your parents at home.
5. On the 22nd of April 2023 at your parents' residence at Freshwater 4 area, you made a fire outside the house and burnt some timber, a white container that your parents used for storing water to drink and a big blanket. These items belonged to and were used by your mother and other family members at home. You burnt these items around 6pm in the evening.



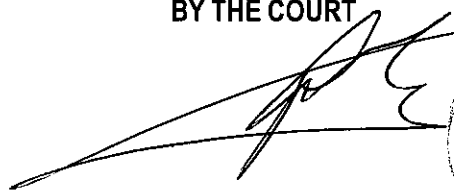
6. A few hours later, around 9pm on the same date of the 22nd of April 2023, your mother saw you smoking outside. She did not know exactly what you were smoking.
7. So, she went to your bedroom and did a random search. She then found some aluminum foil wrappings molded into tiny balls. These balls were placed inside a brown wool basket.
8. Your father, who was present with your mother at the time your mother found the tiny balls in your room, gave these balls to the police officers at the time of your arrest. You were arrested on the 23rd of April 2023.
9. On the same date, the police officer who witnessed your arrest took the alleged marijuana substance in the tiny balls to the Police Station. He handed them to the next officer in charge for further analysis.
10. The alleged dried marijuana substance in the aluminum wrappings was then received by the Police Drugs Examination officer. He signed the chain of custody and then analyzed the alleged cannabis in a chemical and botanical test.
11. The results of the analysis at paragraph [10] indicated that the alleged substance is in fact marijuana as the chemical test solution changed to purple (which is an indicator for cannabis). The officer also weighed the marijuana and found its net weight to be **0.84 grams**.
12. You had been remanded in custody on the 24th of April 2023 and was released on bail on the 22nd of May 2023 by the Magistrate Court.
13. The offending is a serious offence. The seriousness of the offending is aggravated by the net weight of cannabis of 0.84 grams and more than 1 items of properties your family and you commonly used.
14. You are sentenced to a sentence start point of 18 months imprisonment on both counts concurrently.
15. In mitigation, you are a first-time offender and you do not have previous conviction. You are remorseful for your offending. You apologise to this Court and your parents. I reduce your sentence by 6 months to reflect these mitigating factors.
16. I reduce your sentence further by 33% for your guilty pleas at the first opportunity given to you by the authorities.
17. Your end sentence is 8 months imprisonment.



18. I decide to suspend your end sentence of 8 months imprisonment for a period of 2 years under Section 57 of the Penal Code to allow you to rehabilitate and become a good citizen. You must not re-offend during the 2 years period of suspension. If you re-offend during that period, your sentence term of 8 months imprisonment, will be re-activated in addition to the new charge against you. So, I take it that you use this chance seriously and change for the better.
19. In addition, I order that you perform 60 hours of community work.
20. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts at the date of this sentence.
21. The substance cannabis of 0.84 grams seized under the custody of the Prosecution is condemned.

DATED at Port Vila this 9th day of October, 2023.

BY THE COURT



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Hon. Chief Justice Vincent Lunabek

