

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 53 of 2018

STATE

v

USAIA VUKI

Counsel : **PC Lal** for Prosecution
Mr Prasad. J for the Accused

Sentence : **8 May 2018**

SENTENCE

1. The Accused, *Usaia Vuki*, you are before this court today to be sentence for one count of *Unlawful Possession of Illicit Drugs*, contrary to section 5(1)(a) of the *Illicit Drugs Control Act*.
2. On 16 April 2018, you pleaded guilty to the charge in the presence of your counsel. I find your plea to be unequivocal.
3. The brief summary of facts are;-
"On 25 January 2018, PC 5677 Mocolutu and PC 5737 Metuisela searched the accused Usaia Vuki at Sarosaro Lane, Labasa town where they found dried leaves and branches of dried leaves wrapped in a pillow case inside the accused bag. Accused was arrested and interviewed under caution. The dried leaves and plants were analysed and tested and confirmed to be 159.2 grams of Indian hemp botanically known as Cannabis Sativa."

4. You admitted to the above summary of facts on 20 April 2018, and convicted as charged.
5. The maximum penalty for this offence is a fine of \$1,000,000.00, life imprisonment, or both fine and imprisonment. The tariff for this offence was set in the case of *Sulua v State* [2012] FJCA 33; AAU 0093.2008 (31 May 2012) where the Fiji Court of Appeal categorise this offence into four categories with the appropriate sentence for each category.
6. The total weight of drugs involved in this case is 159.2 grams and it category 2 under the *Sulua* case. Category 2 is between 100 grams to 1,000 grams. The tariff for category 2 is between 1 to 3 years imprisonment.
7. There is no aggravating factor in this case.
8. The compelling mitigating factors are:-
 - a. *young offender of 23 years.*
 - b. *sole bread winner as he is married with 1 year old child.*
 - c. *remorseful and cooperation with the police.*
9. For your sentence, I pick 2 years as my starting point. I reduce 6 months for your mitigation. That reduce your sentence to 1 year and 6 months imprisonment.
10. You entered an early guilty plea and you are entitle to a one third reduction of 6 months. I reduce 6 months from your sentence and that reduce your sentence to 1 year.
11. I have noted that you have been in remanded from 30 January 2018 until today. That is a period of 3 months and 2 weeks. I reduce your sentence by 3 months and 2 weeks to reflect your remand period and that reduce your sentence to 8 months and 2 weeks imprisonment.

12. Your final sentence now stands at 8 months and 2 weeks imprisonment. It is below the tariff due to the reduction of the remand period. This is a category 2 case where suspension of sentence is not an option.
13. Usaia Vuki, I now sentence you to 8 months and 2 weeks imprisonment with immediate effects.

28 days to appeal.



C. M. Tuberi
RESIDENT MAGISTRATE