

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

CRIMINAL CASE No.138 OF 2009

PUBLIC PROSECUTOR - v - ARTY MAHIT

Coram: Chief Justice Vincent Lunabek

Counsel: Mr Tristan Karae for the Public Prosecutor
Mr Henzler Vira of Public Solicitor's office for the Defendant

SENTENCE

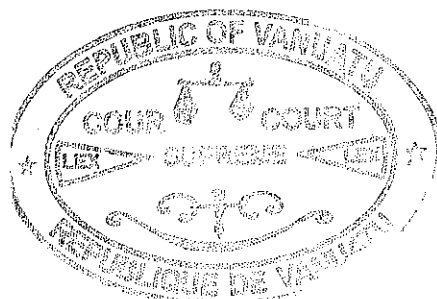
Defendant, Arty Mahit, pleaded guilty and convicted of one count of cultivation of cannabis, contrary to Section 4 of the Dangerous Drugs Act [CAP.12] and one count of possession of cannabis, contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12].

The brief facts are as follows:

On or about the 26th October 2009 around 11.30AM complainant Sergeant Jack was informed cannabis plants were cultivated at Pango S.D.A. village at the house of the Defendant. So complainant accompanied PC Leo and PC Bakon went and took out cannabis cultivated in some containers.

At the Defendant's house they saw 2 pots of cannabis plants at the roof of the house and some other cannabis plants on the ground. They found out the cannabis plants were cultivated by the Defendant. They took out the cannabis plants; they arrested the Defendant and took the cannabis plants and the Defendant to the police station.

The cannabis plants taken were tested by Sgt. Berry in the laboratory test. The results show that they were positive. The plants were cannabis plants.



The table below shows the height and weight of each cannabis plants against the container being planted in according to criminal records office photograph.

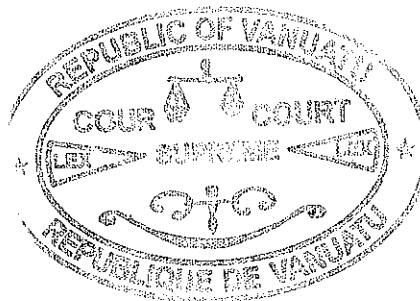
Container number	Height	Weight
1.	1.a – 50 cm 1.b – 50 cm	23/82 grams (both plants)
2.	40 cm	5.87 grams
3.	3.a – 66 cm 3.b – 58 cm	59.06 grams (both plants)
4.	42 cm	2.98 grams
5.	28 cm	4.25 grams
6.	26 cm	1.35 grams
7.	25 cm	6.57 grams
8.	34 cm	13,99 grams

Offences of cultivation of cannabis and possession of cannabis are very serious offences.

In you mitigation, it is considered that you are a 14 years old boy. You pleaded guilty at the first opportunity. You did not go to school. You are a first time offender. You understand that cultivating cannabis is a serious offence.

You are sentenced to 100 hours community work and 12 months supervision order under Section 58N of the Penal Code Act on both counts 1 and 2 and the sentences be served concurrently (this means that the Defendant shall serve a total of 100 hours community work and 12 months supervision on general standard).

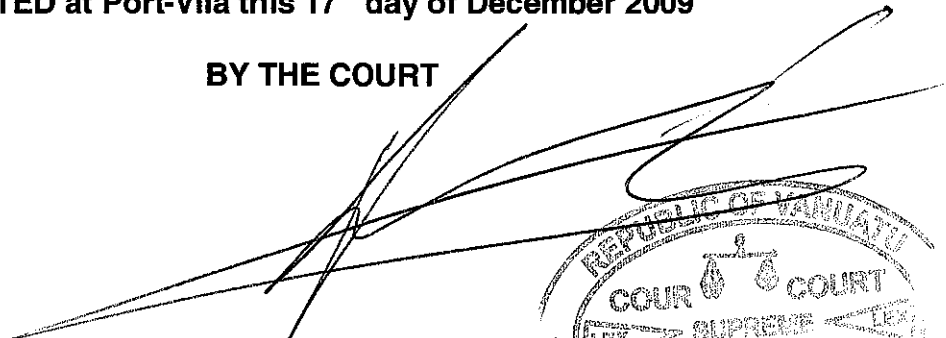
The total cannabis plants seized shall be condemned. The prosecution counsel and the defence counsel, the police and the Registrar of the Supreme Court to organize the destruction of the cannabis plants seized from this Defendant.



The Defendant has 14 days to appeal.

DATED at Port-Vila this 17th day of December 2009

BY THE COURT

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and lines, extending from the left side of the page towards the right, partially overlapping the court seal.

**Vincent LUNABEK
Chief Justice**

