

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

Criminal Case No. 63 of 2010

PUBLIC PROSECUTOR

-v-

MATHIAS PAKOA ALICK

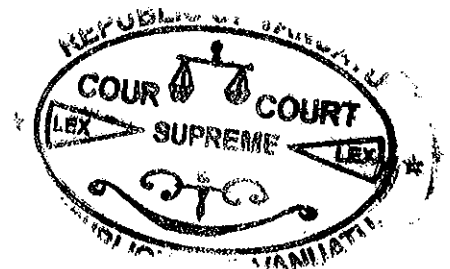
Coram: Justice N. R. DAWSON

Date of Sentence: 2nd September, 2010

*Counsel: Mr. P. Wirrick for Public Prosecutor
Mr. E. Molbaleh for Accused*

SENTENCE

1. Mr. Alick you appear in Court today for sentencing on a charge of Unlawful Possession of illegal drugs. Cannabis was found in your possession in the course of a police search carried out in the police station on 1st March, 2010. Cannabis was found in 4 separate packets, during your detention at the Police Station. You told the Police that you had bought the Cannabis for your own personal use, which is consistent with the pre-sentence report the Court has now seen. The net weight of the cannabis in your possession is 24 grams. You admitted the offence and pleaded guilty at the first opportunity.
2. I note that you are currently a serving prisoner and you were convicted on 27th July, 2010 to 4 years imprisonment on charges of Malicious Damage to Property, Unlawful Entry on a Dwelling house and Theft.
3. In sentencing you today, Mr. Alick it is necessary to hold you accountable for your behaviour and to impose sentence that will promote a sense of responsibility within you. I also need to take into account the relative seriousness of this offence compared to others.



4. The aggravating factor of your offending is your other convictions. In mitigation you entered a guilty plea at an early stage and you have indicated remorse for your offending. The Probation Report notes that you are classified as a medium risk prisoner and you have a previous escape record. But is also notes in your favor that you appear to demonstrate insight into your offending and you have shown remorse.
5. Because of your previous offending, it is inevitable that a sentence of imprisonment must be entered today. You are therefore convicted and sentenced to a term of imprisonment of 4 months. You are a serving prisoner already and you were sentenced at the end of July 2010. It would have been appropriate to sentence you on this charge on that same date and I am of the view that had you been sentenced on that date for this charge as well then the term of imprisonment I have imposed would have been a concurrent sentence, taking into account the totality principle. Your term of imprisonment of 4 months is therefore to be served concurrently with your existing sentence.
6. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

DATED at Port Vila, this 2nd day of September, 2010

BY THE COURT


N. R. DAWSON
Judge

