

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

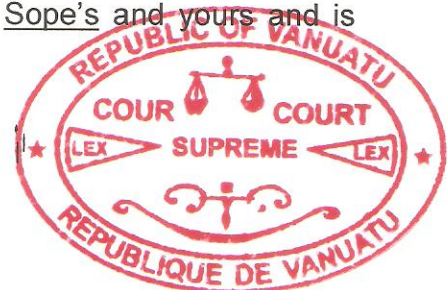
**KENNEDY RARUA**

**Mr Justice Oliver A. Saksak**  
**Mrs Anita Vinabit – Clerk**

**Mr Leon Malantugun for Public Prosecutor**  
**Mr Kevin Nathan for Defendant**

**SENTENCE**

1. Kennedy Rarua, you pleaded guilty to one count of unlawful possession of cannabis plants contrary to section 2(62) of the Dangerous Drugs Act Cap. 12.
2. This is a very serious offence because Parliament has prescribed the maximum penalty at 20 years imprisonment or VT100 Million fine.
3. The quantity of cannabis plants found in your possession was given at 0.287 grams. Whether you used it or not does not matter.
4. The Prosecutor refers the Court to the sentencing guidelines and principles used in Public Prosecutor v. Tuk Sope (2004) and Naio v. Public Prosecutor (1997). Sope's case is more serious than your case, in that the amount was 9.55 grams in leaves and 0.80 grams in powder product. He was sentenced to 3 months imprisonment but suspended for 12 months. This sentence was upheld on appeal. Naio's case is obviously more serious than Sope's and yours and is not relevant to your case.



5. Mr Nathan refers the Court to Public Prosecutor v. Tavi (2009) where the defendant was sentenced to 2 months imprisonment, and to Public Prosecutor v. Kalsakau (2010) where the defendant was discharged without conviction under Section 55 of the Penal Code Act for possessing 0.99 grams of cannabis.
6. The Court will therefore adopt a range between a discharge without conviction and 3 months imprisonment.
7. The Court therefore convicts you and sentences you to 1 ½ months or 6 weeks imprisonment. However, this will be suspended for 12 months on supervision with special conditions that –
  - (a) You must undertake counseling with a pastor of your Church.
  - (b) You refrain from alcohol; and
  - (c) You must attend any other programs as may be directed by the Probation Officer.
8. That is the sentence of the Court.

DATED at Luganville this 9<sup>th</sup> day of August 2010.

BY THE COURT

  
OLIVER A. SAKSAK

Judge

