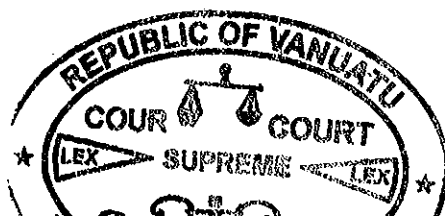


PUBLIC PROSECUTOR
-v-
EZIKIEL ANDREW

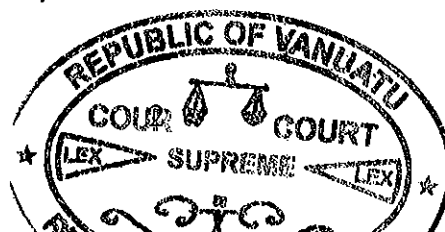
Coram: Justice D. Fatiaki
Counsel: Mr. Karae for the State
Mrs. Pakoasongi for the Defendant
Date of Sentence: 9th June 2010

SENTENCE

1. Mr. Ezikel Andrew, on 2nd March 2010 you were convicted after you pleaded guilty to an offence of Possession of a Prohibited Substance, namely, 1.48grms of cannabis leaves. The offence came to light when your mother who was clearing your trousers pockets before washing it, found a matchbox in a porcket. The matchbox contained dried leaves and seeds which your mother gave to the police. The leaves were weighed and tested positive for cannabis.
2. When questioned by the police you admitted buying 2 joints of cannabis from an unknown boy at Independence Park. You smoked one joint and kept the other in the matchbox which was recovered from your trousers pocket.
3. Your personal circumstances outlined in the pre-sentence report indicates the following:-
 - You were born on 7 July 1992 and were still 16 years of age at the time of the offence;




- You are single and live with your parents and siblings at Ohlen Whitewood Area;
 - You left school after year 9 and are gainfully employed with the Unelco Biofuel Company;
 - You also have skills in constructing houses and hope one day to become a permanent builder;
 - You have a previous conviction for the Unlawful Entry into a Dwelling House and Theft for which you were sentenced to 18 months supervision.
4. Ezikiel Andrew your case has several parallels to that of Knox Kalsakau (Criminal Case No. 15 of 2010) that the complainant in your case was a parent; you also admitted being in possession of the cannabis to the police and pleaded guilty in Court; like Knox Kalsakau you began using cannabis as a result of peer pressure and you have also stayed out of trouble for the past 2 years since the commission of this offence.
5. The only significant difference in your case is that unlike Knox Kalsakau you are not a first offender but I have noted that your previous conviction was for a quite different offence and accordingly you may be treated as a first time drug offender.
6. Section 54 (1) of the Penal Code Act [CAP. 135] provides that a person under 16 years of age is not to be sentenced to imprisonment unless no other method of punishment is appropriate. Section 37 of the Penal Code also requires me to consider the possibility of keeping you in the community if it is consistent with the safety of the community.
7. Ezikiel Andrew, this Court does not consider that you are a danger to the community and accordingly will not send you to prison however as a reminder and to help you stay out of trouble the Court sentences you to 4 months imprisonment suspended for 18 months.



8. You are warned that if you commit another offence in the next 18 months and are convicted you may be required to serve this sentence of 4 months imprisonment in addition to any other sentence you may receive for your re-offending. Whether or not that occurs is entirely in your hands, Ezekiel Andrew. If you choose to stay out of trouble for the next 18 months you will not be required to serve this sentence of 4 months imprisonment.
9. I urge you to do that and help your parents who clearly care for you very much. Don't let their concerns go to waste.
10. Finally I order the cannabis seeds and leaves recovered from the Defendant be forfeited and destroyed after the expiration of the appeal period.
11. You have 14 days to appeal against this sentence if you do not agree with it.

DATED at Port Vila, this 9th day of June, 2010.

BY THE COURT


D. FATIAKI
Judge.

