

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

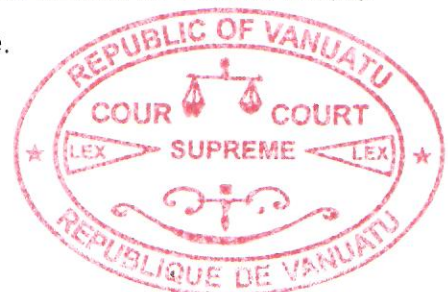
**FANTON SALE**

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

**Mr P. Wirrick for Public Prosecutor**  
**Miss Jane Tari for the Defendant**

### **SENTENCE**

1. Fanton Sale the Court convicts you and sentences you on your own guilty plea to a sentence of supervision under Section 58 F of the Penal Code Act Cap 135. You will undergo supervision for a period of 6 months.
2. On 23<sup>rd</sup> March 2011, you admitted to one charge of unlawful possession of cannabis contrary to Section 2(62) of the Dangerous Drugs Act Cap 12.
3. On 15<sup>th</sup> March 2011, when the Police searched your person in relation to another matter they found a white paper containing cannabis leaves in your possession. The weight of the leaves was not specified. The quantity of cannabis appeared not to be of any commercial value.
4. Your pre-sentence report indicates that you have never smoked marijuana but you thought you would take the leaves to Maewo where you would smoke them unnoticed by anyone.



5. It is clear that you have broken the law by simply having the leaves on your person.
6. In sentencing you, I take into account the sentencing principles laid down in the case of PP v. Sope [2004] VUCA 14 where a sentence of 3 months imprisonment suspended for 12 months was upheld by the Court of Appeal. The circumstances of the defendant in that case are similar to yours except for the weight of cannabis which was given as no more than 20 grams.
7. I have also considered the submissions of defence Counsel and in particular your mitigating factors such as –
  - (a) Being a first-time offender;
  - (b) Your good cooperation with the Police; and
  - (c) Your admission of guilt at the earliest opportunity.
8. It is for the above reasons that the Court imposes a sentence of supervision under Section 58 F. The Court would hope that you have learned from this experience and will take this punishment as a deterrence. The Court also hopes that supervision will direct you on the right path so that you would not re-offend in the future.

DATED at Luganville this 11<sup>th</sup> day of April 2011.

BY THE COURT

  
OLIVER A. SAKSAK

Judge

