

PUBLIC PROSECUTOR

-v-

**JEWEL NAKO
ENUMA NOK
BULE TABI
ANSON DAVID**

Coram: V. Lunabek CJ

Counsel: Mr Tristan Karae for the Public Prosecutor
Mr Henzler Vira for the Defendants

Date of plea: 24 August 2011

Date of sentence: 25 August 2011

SENTENCE

This is the sentence of Enuma Nok and Anson David. The four (4) above-named Defendants have been charged to 1 count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12].

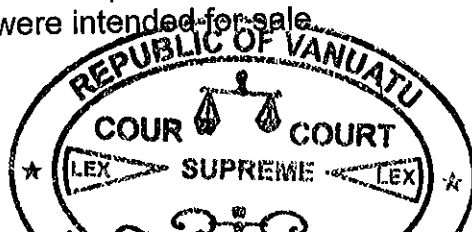
On 24th August 2011, Defendants Enuma Nok and Anson entered each a guilty plea to one count of possession of cannabis each was charged with. Enuma Nok and Anson David are now respectively convicted on such an offence.

Defendants Jewel Nako and Bule Tabi were not summoned for pleas as Jewel Nako is in Port-Vila and Bule Tabi is on the island of Pentecost. Their respective pleas are adjourned.

The brief facts of this case are as provided by the prosecution. Counsel for the Defendants Enuma Nok and Anson David accepted these facts on their behalf before each of the 2 Defendants pleaded guilty to one count of possession of cannabis.

They are set out as follows:

On or about the 3rd August 2010 the Defendant Jewel Nako was arrested and on or about the 4th August 2010 the Defendant Enuma Nok, Bule Tabi and Anson David were also arrested. The arrests were made on the four Defendants in relation to an allegation that the Defendants were in possession of large quantities of suspected cannabis materials which they were intended for sale.



Before the arrest were made, there was information brought to officer Joseph Nok that during the independence celebration sometime between 29th July 2010 and 31st July 2010 the four Defendants had been packaging cannabis in yellow envelopes and had them sealed and stored in a green military hang bag and 4 black laptop like hand bags.

On the same day the 4th August 2010 around 5.00pm the complainant went to Lounapkamim village following a report regarding the whereabouts of the 5 hang bags. During the complainant search the complainant came across all four black hand bags but was unable to find the green handbag nor was there any suspected cannabis material in the 4 black handbags.

On or about the 4th August Defendant Anson David made admission regarding the allegation that was laid against him.

Possession of cannabis is a serious offence. The maximum penalty imposed by law is of VT100 million fine and/or up to 20 years imprisonment.

In the present case, your offending and the circumstances of your offending are aggravated by the following factors:

- A large quantity of cannabis were in your possession
- You intend to sell them

The total weight of the cannabis in your possession is not determined.

I sentence both of you for 2 years imprisonment as a starting point.

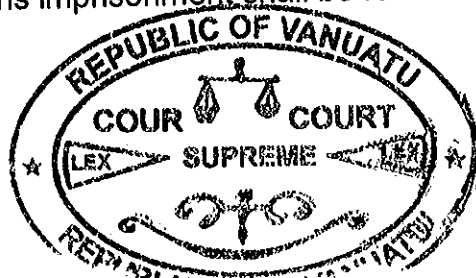
In mitigation, Enuma Nok, you are 18 years old. You are a constructor. You are remorseful for your offending. You instruct your lawyer to tell the Court that you will no longer involve with cannabis anymore. You plead guilty and you are a first time offender.

I reduce your sentence to 8 months imprisonment to reflect your guilty plea and other mitigating factors.

I decide to suspend your imprisonment sentence of 8 months for a period of 2 years. If you re-offend during the suspension of your sentence, it shall be re-activated. In addition, you are ordered to do 24 months supervision.

Mr Anson David you are 28 years of age. You are a gardener and live in defacto relationship with a woman and you have a 2 years old daughter. You are a first time offender. You said you will not re-offend. You offend to show your parents your frustration of them not paying your school fees. You realize it is against the law.

I reduce your sentence to 10 months to reflect your guilty plea and other mitigating factors. I decide to suspend your imprisonment sentence for a period of 2 years. During the suspension period of your sentence, you must not re-offend. If you re-offend, your sentence of 10 months imprisonment shall be re-activated.



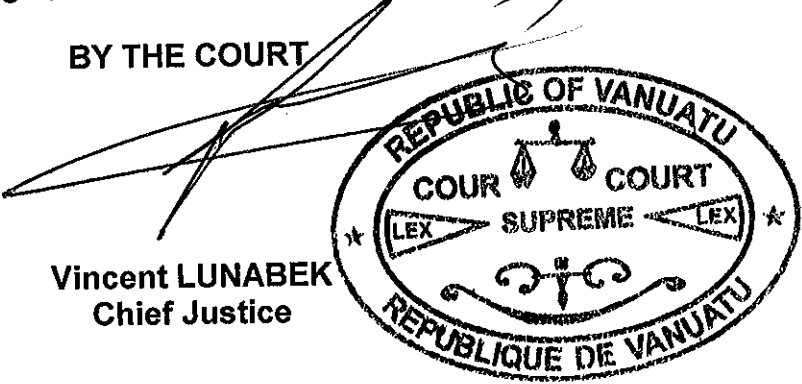
2

In addition, you are ordered to perform 24 months supervision.

Each of you has 14 days to appeal his sentence if he does not like it.

DATED at Isangel, Tanna this 25th day of August 2011

BY THE COURT



Vincent LUNABEK
Chief Justice