

PUBLIC PROSECUTOR – VS – JUDAH SIMON

Coram: Mr. Justice Oliver A. Saksak

Counsels: Mr. Parkinson Wirrick for Public Prosecutor
Miss Jane Tari for Defendant

Date of Hearing and Sentence: 20th May 2013

SENTENCE

1. Judah Simon you pleaded guilty to one count of unlawful possession of cannabis on 14th May 2013. This an office contrary to Section 2(62) of the Dangerous Drugs Act Cap 12.
2. The penalty for this offence is a fine not exceeding VT100 Million or imprisonment of not exceeding 20 years or to both. These high penalties show that this offending is serious.
3. You are a 19 year old boy residing at Stone Hill, Fanafo. On 21st April 2013 you went to watch soccer games at the Chapuis Stadium. You had in your possession at the time cannabis leaves wrapped up some white paper. The police conducted some search and found the substance on your person. They tested the substance and found them to be cannabis. It weighed 0.755 grams.
4. Both the Public Prosecutor and defence counsel have referred the Court to the classic case of Public Prosecutor v. Sope [2004] VUCA 14. This Court is bound to follow the sentencing guideline set down in that case.
5. I note that in Sope's case the amount involved was 9.55 grams whereas in your case the amount was 0.785 grams. I accept it was of no real commercial value but it was capable of being supplied without charge.



6. I accept that the appropriate punishment should be a custodial term but that it be suspended for reasons that you are a young man of 19 years old, a first time offender with clean record, good cooperation with police, guilty plea at first given opportunity and remorse.
7. I note that you have been placed under remand warrant from 14th May 2013. You were arrested pursuant to a warrant of arrest requested by the Public Prosecutor because you were not present in Court on 7th May 2013. It has been some 7 days since you have been kept in custody.
8. Under those circumstances, I sentence you to a total of 2 months and 23 days imprisonment. However, this sentence is suspended for a period of 12 months from today on conditions that you do not commit this offence again or are convicted for any other offences. If you do, you will automatically be imprisoned for 2 months and 23 days for this offence.

DATED at Luganville this 20th day of May 2013.

BY THE COURT


OLIVER A. SAKSAK

Judge

