

PUBLIC PROSECUTOR

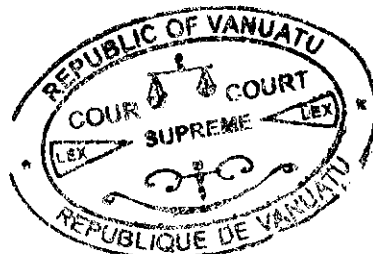
V

GREG GIDEON

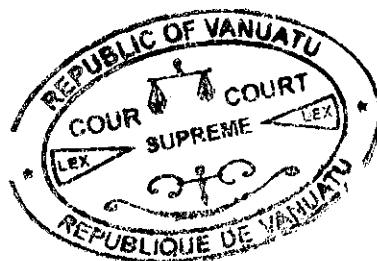
Date of Decision: Thursday 25 August 2016
Before: Chief Justice V Lunabek
In Attendance: Public Prosecutor – Simcah Blessing
Defendant – Mr Henzla Vira & Ms Kylie Bakeo for Accused

SENTENCE

1. Mr. Greg Gideon you appear today to receive your sentence. On 24th day of August 2016, you entered guilty pleas to two Counts of cultivation of cannabis you were charged with, Contrary to Section 4 of Dangerous Drugs Act (CAP 12) (the "Act").
2. The brief facts of this case are this: -
The events giving raise to the complaint occurred between the 1st of January 2009 and 31st December 2010. Sometimes between these dates you cultivated cannabis in your garden in the upland of Unmark village on Northwest Malekula.
3. When the chief of the village and others were informed of your involvement with the cultivation of cannabis, they approached you and warned you to stop your illegal activities.
4. After your encounter with the chiefs, you sought assistance of one Mr. David Dah. You both removed the cannabis seedlings from its original location and planted the cannabis at a different location.
5. When this was discovered by the chief and other villagers, they reported the matter to the police.
The investigation in this case happened after Chief Michael Hapi lodged an official complaint on the 25th of June 2010.
6. You were arrested and interviewed under caution on the 22nd June 2010.



7. You then made a statement to the police admitting you cultivated cannabis plants as alleged.
8. You stated in 2010, you commenced cultivating cannabis at your residence (house). When your activities came to light you removed the plants and planted them in your garden further upland. You stated you cultivated 9 plants of cannabis and they started growing up.
9. You stated that you are a habitual smoker of cannabis and you have started smoking cannabis since 2005 up until you were arrested on the 21st of June 2010. You also stated that you travelled from Malekula to port Vila in 2008 when you sold cannabis and obtained VUV 11,000 from your sales.
10. You also informed the police that you were currently a Presbyterian but you are now converted into a denomination you share with the people of Melip in the South Western part of Malekula Island.
11. You finally told the police during your interview that the cannabis in the bag you brought to the police station is for your own use and that you smoked cannabis before you came to the police station to be interviewed.
12. Cultivation of cannabis plants is prohibited by the law of this country. Section 4 of the Dangerous Drugs Act is the prohibiting section. It provides: "Cultivation of any plant of the genus cannabis shall be prohibited."
13. The penalties for breaking the law carries a maximum penalty of a fine of vatu 100 million or a term of imprisonment of 20 years or both a payment of fine and a term of imprisonment (Section 17).
14. You will be punished for cultivating 9 plants of cannabis in 2010. There is no details in regards to the height and weight of the 9 cannabis plants you planted in 2010.
15. Cultivation of cannabis is a serious offence and is against the law. The seriousness of such an offence is as reflected in the maximum penalties imposed by law.
16. When I sentenced you today, I take into account of the submissions and case authorities advanced by the prosecutions and I also take into account of the submissions and case authorities made by your lawyers on your behalf.
17. Both the prosecution and your lawyer refer the Court to the case of Wetul v Public Prosecutor [2013] VUCA 26, as the guideline case on cultivation of cannabis.



A handwritten signature or set of initials, possibly "R", written in dark ink.

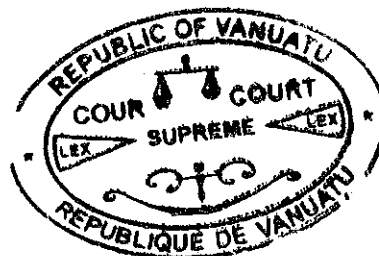
18. In this case, the seriousness of your offending is aggravated by the following factors:

- a. Your offending involved a deliberate act to offend against the law.
- b. You were persistent in your offending when you were commanded to stop cultivating cannabis by your chief and relatives; you uprooted the cannabis plants and removed them to another location.
- c. Your offending was repeated; you planted cannabis for your own use. (There is no evidence of sale or any intended sale of the cannabis you planted in your garden or in the upland in 2010 you were charged with)

19. I sentence you to a term of two (2) years as a starting point.

20. In mitigation, your lawyers informed the Court of the following on your behalf:

1. You live in Unmark, northwest Malekula. You were 20 years old when you committed the offence in 2010. You mentioned you cultivated cannabis not knowing cannabis is prohibited substance in this country.
2. After your arrest in 2010 you realised cultivation and possession of cannabis is prohibited. You stopped your involvement with cultivation of cannabis to date.
3. You immediately admitted the offence on the date you were arrested on 22 June 2010 at Lakatoro Police station.
4. You were arrested on the 21st June 2010 and interviewed under caution the next day 22nd of June 2010. You admitted the offence in the interview.
5. You were remanded in custody until 19th of April 2016. However, you were never taken to the correctional centre in Luganville by the Correctional Services Centre. On 19th April 2016, you were released on bail under strict condition which you have complied with to date.
6. You have a right to a fair hearing under the constitution. This matter has been delayed for 6 years
7. You have pleaded guilty at the first opportunity on the 24th of August 2016. This had saved the Court time and also means the complainant does not have to give evidence in Court.



8. You have no previous conviction.
9. You have strong Community support.
10. You have expressed insight and remorse for your offending.
11. You live with your wife and two (2) children at Unmark village.
12. You and your wife are farmers. Your living is based on cultivating peanut, cocoa and coconut.
21. I deduct one third of your sentence of 24 months for your guilty plea for the first opportunity given to you by the Court. Your sentence is now reduced to 16 months imprisonment.
22. I also deduct a period of six (6) months for the delay of six (6) years since the offending. Your sentence is reduced further to 10 months imprisonment.
23. I also deduct two (2) other months for other mitigating factors.
24. On balance, your end sentence is eight (8) months imprisonment.
25. The next question is whether the circumstances of your offending justify a suspension of your eight (8) months imprisonment term. I answered positively to that question.
26. Your eight (8) months imprisonment is suspended for a period of two (2) years.
27. Mr Greg Gideon, the suspension of your eight (8) months imprisonment means that you are not going to spend time in prison for eight (8) months because the Court suspends your sentence for a period of two (2) years starting from today 25 August 2016. If you offend before the end of the two (2) years suspension, you will be called and sentenced for eight (8) months imprisonment in addition to you being dealt with for the new offence.
28. In addition to your suspended sentence, I order you to perform 80 hours of community work.
29. You have 14 days to appeal against your sentence if you are unsatisfied with it.

Dated at Lakatoro this 25th day of August, 2016

BY THE COURT

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V LUNABEK
Chief Justice

