

**BETWEEN: Public Prosecutor**

**AND: Joana Butbut**  
**Jeffery Tamathy**  
**Defendants**

***Date of SENTENCE: 23<sup>rd</sup> day of July, 2020 at 9:00 AM***

***Before: G.A Andrée Wiltens***

***Appearances: Counsel - Lenry Young for Public Prosecutor***  
***Counsel – Rollanson Willie for the Defendant***

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**SENTENCE**

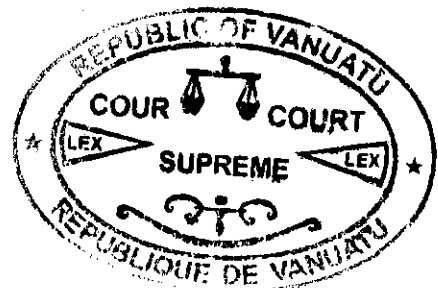
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**A. Introduction**

1. The defendants pleaded guilty to possession of cannabis. The maximum penalty for that is a term of 20 years imprisonment and/or a fine of up to VT 100 million.

**B. Facts**

2. Acting on information received the police stopped and searched the defendants on their arrival at Luganville from Malekula. In a black hand bag the police found and seized 418 cannabis joints. There was other cannabis leaf in the bag. The weight of the cannabis is 122 grams.
3. The defendants admitted their possession of the cannabis.



C. Sentence Start Point

4. The quantity of cannabis and the packaging indicates it was not for personal consumption. The sentence start point accordingly is 30 months imprisonment.

D. Personal Factors

5. Both defendants have pleaded guilty at the earliest opportunity and will therefore get a reduction of 25% from the start point.
6. Ms Butbut is 17 years old with no previous convictions. She resides with her mother.
7. Mr Tamathy is 20 years old with no previous convictions.
8. Both get further credit for their youth, remorse and lack of previous convictions. I set that at 20 months for both defendants.
9. Ms Butbut has been remanded in custody between 16 March 2020 and 15 June 2020. Mr Tamathy has been in custody since 16 March 2020 until now.

E. End Sentence

10. The defendants could be sentenced to 1 ½ months imprisonment, back-dated by 3 months to reflect the time already spent in custody. However both have already served that sentence.
11. In all the circumstances, a conviction plus 100 hours of community service is a sufficient deterrent, and will ensure there is no re-offending of a similar kind. It will also allow the defendants to be rehabilitated.
12. The drugs are to be confiscated.
13. Both defendants have 14 days to appeal this sentence if they are unhappy with it.

**DATED at Luganville this 23<sup>rd</sup> day of July, 2020**

**BY THE COURT**

*Andrée Wiltens*  
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Justice GA Andrée Wiltens

