

## POLICE v MELEISEA (VAELOTO)

Supreme Court Apia  
18 August 1978  
Nicholson CJ

CRIMINAL LAW (Offences under the Narcotics Act 1967) - Sentence of three months' imprisonment imposed for knowingly having possession (s 7) and eighteen months' for dealing (s 11) - Large quantity involved - Offender had taken advantage of his professional position to obtain drugs, mostly for his own use, but on at least one occasion for the unnecessary use of another, and had falsified narcotics records - Offender's addiction problem taken into consideration in mitigation - Necessary for Court to impose severe sentences to discourage drug offences from which the country has been relatively free to date.

## SENTENCE

Cruickshank for prosecution.  
Drake for defence.

NICHOLSON CJ. Vaeloto Meleisea, you appear for sentence on two charges, one, knowingly having in your possession narcotics, and the other, unlawfully dealing with narcotics. This is an extremely sad case involving a young man with very high qualifications and obviously with a promising professional career ahead of him, which now appears to be at least seriously affected, if not completely ruined. Your past record as shown in the probation report presents a picture of an extremely hard working and able young man, who appeared to be fulfilling all the ambitious that his family had set for him. You have established yourself extremely well in your profession overseas and you chose to return to your country to give it the benefit of your experience. It would appear for reasons which I will mention shortly that you also brought back to this country a serious personal problem. I note that you have family responsibilities, and I note too what has been said about the difficulties you had in establishing private practice in this country.

I turn to the offences themselves. I reject at once any suggestion that these offences should be regarded as merely technical. The very large amount of drugs involved, to begin with, makes the offences very grave ones, and the medical evidence already recorded before this Court satisfies me that any suggestion that these large quantities of narcotics were justified for the purposes of treatment is completely false. There is evidence before the Court that at least one other person was given narcotics by yourself unnecessarily. There is evidence that your narcotics records were falsified by you to cover up and account for this extraordinary use of narcotics, and even allowing for the portion accounted for by false entries, there were large quantities of drugs completely unaccounted for. In spite of your denial I draw the inference that you yourself have a problem of addiction, either physical or psychological, with the narcotics in question. I draw this inference by way of mitigation in deciding what penalty should be imposed. This country has been relatively free of drug offences at a time when so many countries of the world are experiencing rising rates of crime involving the use of drugs. We have been singularly free of this type of charge

before our Courts, and I think it incumbent on the Court to demonstrate that severe sentences will be imposed to discourage any possible intrusion of drug offences into this country. My conclusion is that a term of imprisonment is called for in this case. I reach this conclusion with the greatest reluctance having regard to your past excellent record and your high qualifications. Even placing the most lenient interpretation upon the evidence that I can, it appears that you have taken advantage of your professional position to obtain drugs, partly, I infer, for your own use, but certainly at least on one occasion for use by one other person unnecessarily. On the charge of possession of narcotics you will be sentenced to three months' imprisonment. On the charge of unlawful dealing with narcotics you will be sentenced to eighteen months' imprisonment, the terms to be concurrent so that you will serve a total of eighteen months. At this stage I can see no further justification for the suppression of your name and the interim order for suppression of name is cancelled.

NOTE

Sentence appeal dismissed by the Court of Appeal 28 October 1978.