

**IN THE SUPREME COURT
REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Criminal Case No. 821 of 2017

PUBLIC PROSECUTOR

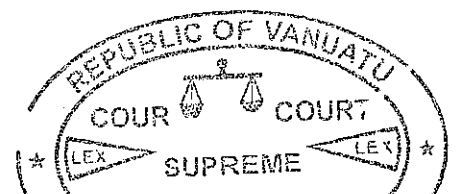
-v-

STEPHAN SABRO THUHA

*Before Justice David Chetwynd
Hearing 22nd May 2017
Ms Tasso for the Public Prosecutor
Ms Bakeo for Defendant*

Sentence

1. The defendant Stephan Sabro Thuha entered a plea of guilty on 2nd May 2017 to one charge of possessing cannabis and he appears today for sentence. I have written submissions from the prosecution; written submissions from the defence and a helpful pre-sentence report from the Probation Officer.
2. The facts of the case are straightforward and not in dispute. In early January 2012 the defendant's home was searched under warrant. The officers conducting the search found cannabis which was eventually weighed and totalled 28.2 grams. When the defendant was questioned under caution he admitted the cannabis was his and he had bought it to smoke. When he appeared in Court he entered a plea of guilty.
3. The defendant has no previous convictions. He was 40 years old at the time of his arrest. He has accepted that he was wrong to buy cannabis and accepts his possession of it was against the law. There is no suggestion that he was cultivating cannabis or that he was selling it. This is a straightforward case of possession of a small quantity of cannabis for personal use with no aggravating factors.
4. As indicated above the defendant has admitted the offence and has pled guilty at the earliest of opportunities. There is an unexplained delay of 5 years from the date of his arrest to his first appearance in court. He has not come to the notice of the police in those intervening 5 years. All these matters must go to his credit and be treated as mitigating his sentence. In particular the long delay when this was hanging over his head must be taken into account.
5. Although possession of cannabis is considered a serious offence under the Dangerous Drugs Act [Cap 12] with maximum sentences of a fine of one hundred million vatu or a term of 20 years imprisonment or both it is clear that this offence is




very much at the lower end of the scale. It can be dealt with by a non-custodial sentence. The defendant is sentenced to 60 hours community work under the supervision of a Probation Officer.

6 Finally, I will remind the defendant of what I said in court, namely if he is unhappy with the sentence handed down then he has the right to appeal. Although I gave full oral reasons for the sentence in Court it is only fair that the time for appeal will only start to run when his counsel receives a copy of these written reasons.

Dated at Port Vila this 22nd day of May 2017.

BY THE COURT

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D. CHETWYND
Judge

