

PUBLIC PROSECUTOR

V

WILLIAM GEORGE

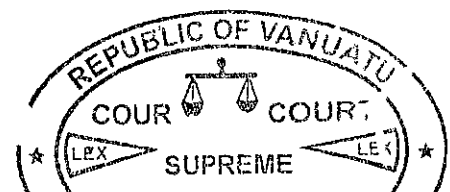
Date of Sentence: 22nd day of March, 2018 at 9:00 AM

Before: David Chetwynd

Counsel: Ms Marie Taiki agent for Philip Toaliu of Public Prosecutor
Defendant in person (no appearance of Henzler Vira)

SENTENCE

1. The defendant George William has plead guilty to an offence of possession of a dangerous drug. He admits he had in his possession 20 rolls of marijuana cigarettes. There is mention in the paper work that he is a "prominent marijuana dealer". The defendant is not charged with possession with intent to supply or supply, the charge concerns possession only. He will be sentenced on that basis.
2. It is also said the defendant has previous convictions for the same offence. The prosecution have produced no evidence of previous prosecutions let alone convictions. The Pre-sentence report refers to one in 2009 for which the defendant received 100 hours community service. I will sentence on the basis the only previous conviction was 9 years ago.
3. The defendant does not deny he had 20 marijuana rolls on him when arrested. He suffered a severe spinal cord injury after falling from a tree some while ago and he uses marijuana to counter the pain he suffers from his injury. The medical use of marijuana is well known. Some countries allow medicinal use of marijuana, Vanuatu does not. Possession of the drug is punishable by 20 years no matter what the reason for the possession. I accept the defendant had

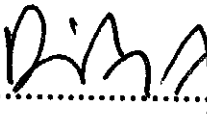


the marijuana for his personal use. If the defendant has been convicted of possession with intent to supply there is no evidence of supply by the defendant in respect of marijuana he had on his person and which gave rise to this charge.

4. There is nothing which particularly aggravates the offence, nor is there anything much that can be said in mitigation. The defendant admitted his guilt at a very early stage and has been entirely honest about his use of the drug.
5. I should also note that when this case was called on for sentence no one attended for the prosecutor or the defendant. I sentenced on the basis of the Pre-Sentence Report dated 7th February 2018. That report refers to the defendant's willingness to undertake unpaid work for the community and to Chief Daniel Tisa's willingness to assist.
6. In the circumstances I order the defendant to undertake 100 hours of unpaid work for the community. He will also be under the Supervision of the Probation Service for a period of 12 months. He will be subject to the usual conditions and to a condition that he completes a rehabilitation program to address his offending with the drug and alcohol awareness module.
7. The defendant is entitled to appeal this sentence and time will begin to run once his counsel receives a copy of this decision.

DATED at Port Vila this 22nd day of March, 2018.

BY THE COURT


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David Chetwynd
Judge

