

PUBLIC PROSECUTOR

V

ANNETH MASSING

Date of Sentence: ***3rd day of February, 2022 at 2:30 PM***

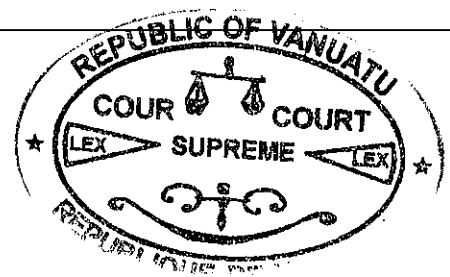
Before: ***Judge EP Goldsbrough***

In Attendance: ***L Lunabek for the Public Prosecutor***

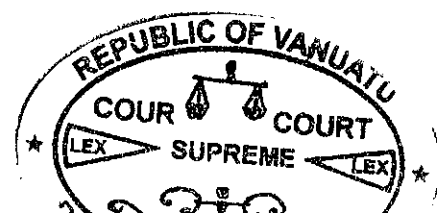
B Livo for the Accused

SENTENCE

1. Anneth Massing, you have pleaded guilty to the offence of possession of cannabis, in November 2021 in Port Vila when you were found in possession of 11.42 grams.
2. After being out socializing on Friday 5 November 2021, the next day your sister found the cannabis in a jam jar at your house and gave it to your father who asked you what this was. You became angry with your father and an argument took place after which you left the house, threatening to kill yourself. This behaviour continued and resulted in the police being called and your father reporting you for the possession of cannabis. During this interaction, you attempted suicide.
3. Following your arrest, on 7 November you admitted being in the possession of cannabis and also that you knew this to be illegal. You have been in custody for this matter ever since that day, from 7 November 2021 until today, 3 February 2022.
4. After you entered your guilty plea to this charge, a pre-sentence report has been prepared and your lawyer and the lawyer from the Office of the Public Prosecutor have filed written submissions on sentencing. The Court is grateful that this has been done over just two days, as everyone is conscious that you have already been in custody for a long time.



5. The only aggravating feature said to exist in this case is the quantity of cannabis which is described as large. To describe 11.42 grams as large may be said to be an exaggeration but it is certainly more than the .58 of a gram also prosecuted in another case today.
6. As to mitigating features, you admitted this offence from your arrest, you pleaded guilty at the first opportunity, you have not previously been convicted of any offence of any kind, you appear to have expressed remorse and you have already served an effective sentence of imprisonment of six months.
7. From what the Court has been told of your circumstances, you appear to be in need help rather than punishment. The Court has been advised that you are welcome to return to live with your parents at Fresh Wota. The Court has been further advised that you are prepared to co-operate with the Probation Service if you are made the subject of a supervision order.
8. The offence of possession of cannabis usually results in a custodial sentence of some length, even if that term of imprisonment is suspended. There is some disagreement as to whether the starting point for this offence should be between 12 and 15 months or 6 to 10 months. The Court has been referred to cases of a similar nature where both starting points have been applied, although the most recent case features the lower range.
9. The Court will not, in this case, determine a starting point simply because of the time already spent in custody. That time amounts already to an effective immediate sentence of six months imprisonment. That is enough. As credit cannot be given for that time were you to be given a suspended sentence today for this offence, the effective total period of imprisonment would, combined with the time already served, be too harsh.
10. Therefore, taking into account time already spent in the custody of the Correctional Services, the sentence for this offence is nothing more than a Supervision Order for two years. During that time, you will live with your parents and will obey their rules, you will co-operate with your probation officer and you will also visit the doctor who you have previously consulted and follow his or her treatment instructions (if any). You will also be of good behaviour. Should either your parents or your probation officer have concerns about your behaviour, you could be brought back to this court for failure to comply with the conditions of your supervision. If that happens a different sentence may be substituted for this supervision order. You may not change the place where you live during the Supervision Order without the consent of your Probation Officer.

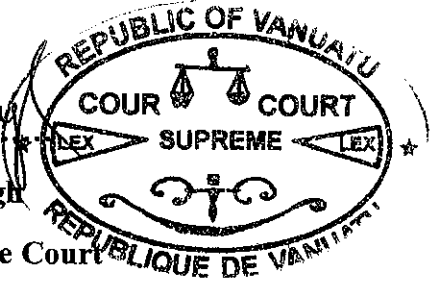


11. Your parents have given their consent to this order and you have told this Court that you understand the terms of this order and therefore you are now made the subject of a two-year Supervision Order. The Probation Service will be in touch with you shortly to talk about your situation and your first appointment with them. In addition, an order for the forfeiture and destruction of the illegal drugs is made.

DATED at Port Vila this 3rd day of February, 2022

BY THE COURT

EP Goldsbrough
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EP Goldsbrough
Judge of the Supreme Court



The seal of the Republic of Vanuatu Supreme Court is circular. It features a central scale of justice. The words "REPUBLIC OF VANUATU" are written along the top inner edge, and "REPUBLIQUE DE VANUATU" along the bottom inner edge. The words "COUR" and "COURT" are positioned on either side of the scale, with "SUPREME" centered below it. Two small triangles containing the word "LEX" are located on the left and right sides of the seal.