

**PUBLIC PROSECUTOR**

**V**

**HADJI GARAE**

***Date of Sentence:***     ***4th day of February, 2022 at 2:00 PM***

***Before:***                 ***Judge EP Goldsbrough***

***In Attendance:***       ***Mr C Shem for the Public Prosecutor***

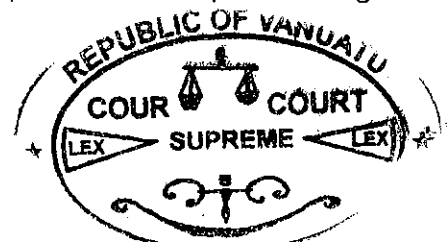
***Mr R Melsul for the Accused***

---

**SENTENCE**

---

1. Hadji Garae, you have pleaded guilty to the unlawful possession of cannabis from October 2021.
2. You were arrested on 22 October 2021 by the police and admitted that you were in possession of the cannabis, which was later found to weigh .58 grams. Since your admission to the police, and one day spent in custody, you pleaded guilty to this offence at the first opportunity available to you.
3. The possession of drugs is made unlawful by the Dangerous Drugs Act which does not differentiate between difference classes or categories of drugs but for any of the prescribed substances attracts a maximum penalty of 20 years imprisonment or a 100 million fine or both.
4. Counsel in this case have referred the Court to various earlier cases as authorities where people have been sentenced for unlawful possession. Starting points vary from 12 -15 months imprisonment to 10 months imprisonment, most of which, if imposed, have been suspended.
5. In your case you were found with this small quantity of cannabis, clearly for your own use, within your wallet when the police asked to search you. You allowed that search to take place without argument and have continued to co-operate with the police during their investigation and during this prosecution.



6. You have no previous convictions recorded against you.
7. Although the Office of the Public Prosecutor submits that this small quantity of cannabis amounts to an aggravating feature of this offence, in the view of the court this quantity of drugs found on you certainly cannot be described as aggravating. Thus, a sentence starting point at the lower end of the scale found in other cases is indicated.
8. In mitigation is the fact of your early and continued co-operation, your early guilty plea, the small quantity (less than one whole gram) of cannabis on you when searched, and your lack of previous convictions.
9. Taking all of the mitigation into account and the lack of any aggravating feature, an immediate custodial sentence is not indicated in this case. Nor does any term of imprisonment suspended appear to be appropriate for this offence.
10. For this offence you are hereby sentenced to perform 60 hours of community work. This order requires you, under the supervision of the Probation Service, who may delegate that responsibility to a sponsor, to perform unpaid work for the community for 60 hours. That work must be completed within 12 months from today and you must report to the Probation Service within 72 hours of this order being made, to receive details of the work you are to perform. Failure to follow instructions and to carry out the work prescribed for you will see you brought back here. Do you understand the terms of this order?
11. You may appeal against this sentence but you must do so within 14 days. An order for forfeiture and destruction of illegal substance confiscated is also made.

**DATED at Port Vila this 4th day of February, 2022**

**BY THE COURT**

*EP Goldsbrough*

**EP Goldsbrough**

**Judge of the Supreme Court**

