

**IN THE HIGH COURT OF FIJI**  
**AT LABASA**  
**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 08 of 2015**

**STATE**

**V**

**ETUATE DREDUADUA**

**Counsels:** Mr. L. Fotiofili for the State  
Accused in person

**Date of Conviction** : 26 May 2016  
**Date of Sentence** : 26 May 2016

**SENTENCE**

[1] The accused has been convicted after trial in this Court of the following offence:

***Statement of Offence***

**UNLAWFUL CULTIVATION OF ILLICIT DRUGS:**

Contrary to section 5 (a) of the Illicit Drugs Control Act 2004.

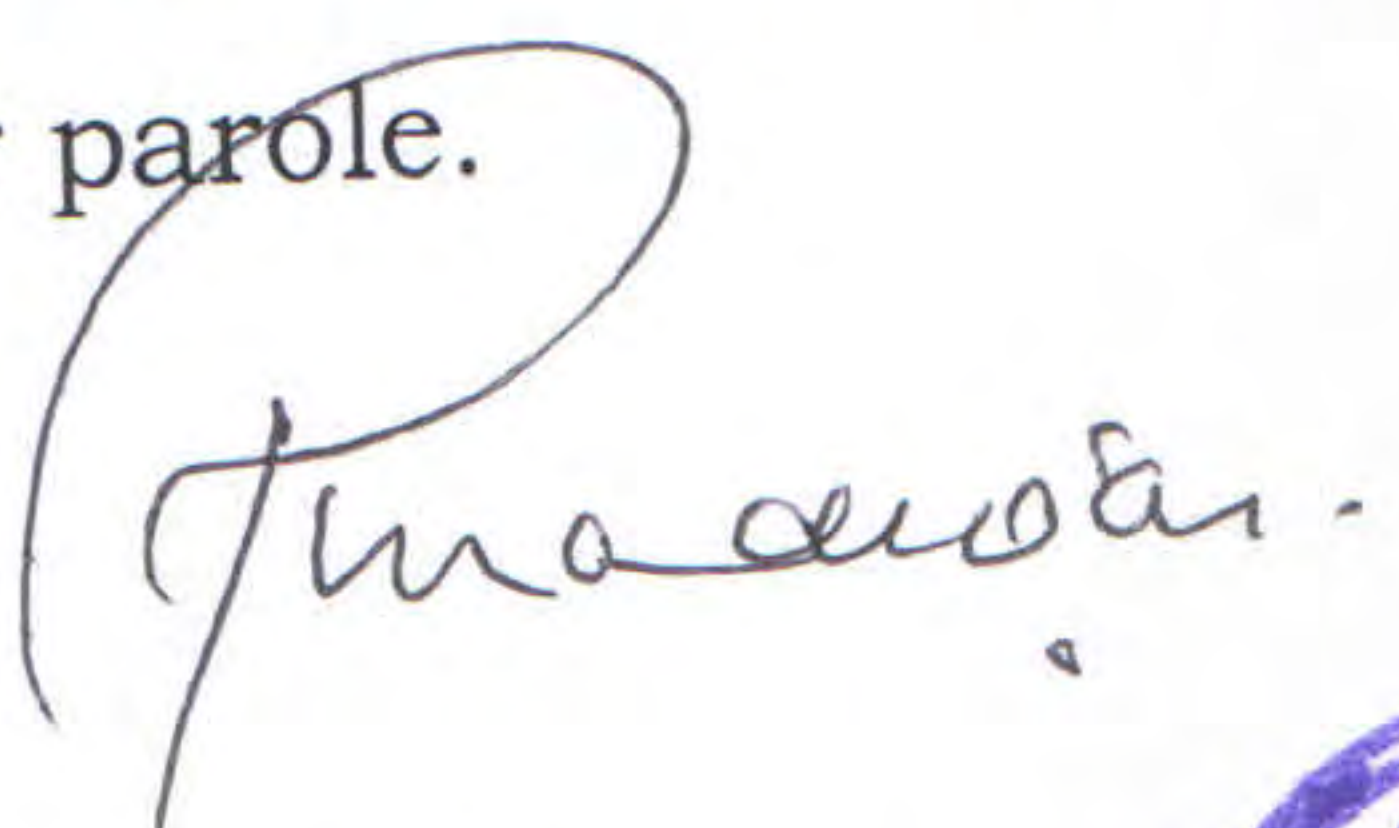
### ***Particulars of Offence***

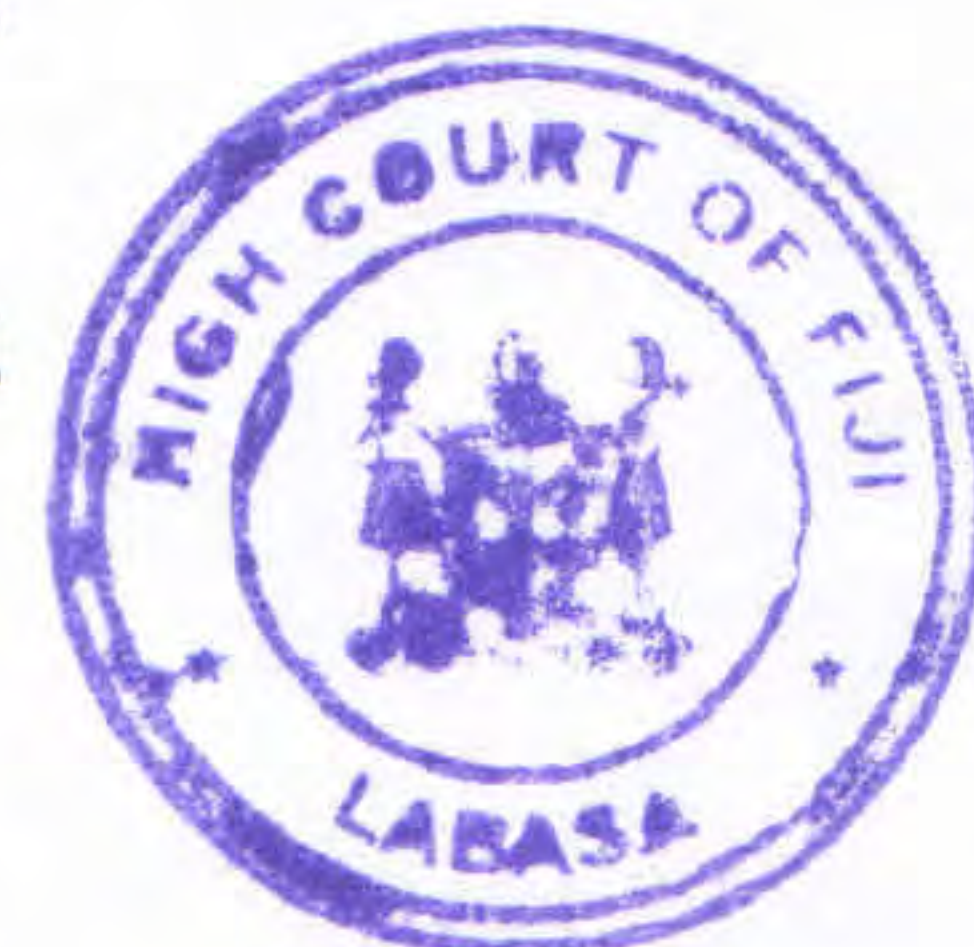
**ETUARTE DREDUADUA** between the 1<sup>st</sup> day of December 2014 to the 6<sup>th</sup> day of January 2015 at Savusavu in the Northern Division, without lawful authority cultivated illicit drugs namely Cannabis Sativa with the total weight of 10 kilograms.

- [2] It was adduced in evidence that on the 6<sup>th</sup> January 2016 a party of Police, acting on information, raided the home of the accused in the village of Natovotovo, Cakaudrove. A search of his home revealed seeds and 4 plants believed to be marijuana. The accused was not there but his nephew in residence took the Police party to a plantation where they found and uprooted 41 plants, also believed to be marijuana.
- [3] These plants were all tested and found to be cannabis sativa of a total weight of 10kg.
- [4] The accused is 49 years of age, married with 4 young sons all at home. He has worked in the village for the last 14 years as a farmer and diver for shellfish.
- [5] His wife gave mitigatory evidence on his behalf in which she said that he had been a good father to the family and being the sole breadwinner had provided well for them. She stated that since he has been in remand the family has suffered hardship. He has not seen his youngest son since the child was 2 weeks old.
- [6] Cultivating illicit drugs of course feeds the seemingly insatiable desire of Fiji's youth for this recreational drug and the

legislature and Courts have been resolute and uncompromising in the effort to stamp out the source of the drug.

- [7] Parliament has determined that the maximum penalty is life imprisonment or a fine of \$1,000,000, while the Court of Appeal lay down stringent sentencing tariffs in Salua and Chandra AAU0093.2008 (31 May 2012).
- [8] The tariff band for this Offence is that referred to by the Court as Category 3 putting the range to be between 3 and 7 years imprisonment.
- [9] The accused has been in custody awaiting trial since the end of January 2015. He has no convictions recorded for the last ten years.
- [10] The fact that these plants were being grown in a very remote part of the province making it more difficult for the authorities to detect them means that a starting point of 5 years for the offence is appropriate. There are no other aggravating features apart from that. For his clear record and his difficult family circumstances I deduct one year and I deduct another 16 months for the time he has already spent in remand.
- [11] The final sentence I pass on this accused is a term of imprisonment of 2 years and 8 months. He will serve a term of 2 years before being eligible for parole.

  
**P. K. Madigan**  
**Judge**



At Labasa  
26 May 2016