



**IN THE CENTRAL MAGISTRATES' COURT
OF SOLOMON ISLANDS**

CRIMINAL JURISDICTION

CMC-CRC No. 477 of 2019

REGINA

V

SEAN HARO

Date Sentencing submission: October, 21 2019

Date of Sentence Judgement: October, 22 2019

Staff Sergeant Teula and Constable Hiroshanchi for Prosecution
Mr Dive for the Defence

SENTENCE

1. You, Mr Sean Haro was found guilty and convicted after trial for possessing marijuana contrary to section 8 (b) as read with section 39 (1) of the *Dangerous Drug Act*.
2. The offence has a maximum penalty of a fine of 5,000 penalty units or 6 months imprisonment pursuant to section 8, schedule 12 of the *Penalties Miscellaneous Act 2009* as read together with section 39(1) of the *Dangerous Drug Act*.
3. The commission of the offence was that on 16th April 2019 a police team were on patrol in a police truck under the operation of the National General Elections at the Ngossi area and sighted cell block market stall. It appeared suspicious. They checked the stall to find you sitting in it. A search was conducted in the stall and a bamboo bong was found. You were searched as a result. Police found 26 rolls of marijuana in a pink pencil bag that was inside your brown backpack.
4. You were in possession of marijuana rolls. 26 rolls. They were already cut and rolled, ready to be smoked or to be transacted. I find that you in possession of 26 rolls ready to be smoked or be transacted aggravates your case.
5. Police campaign against marijuana is an ongoing activity since marijuana's discovery on our shores. I take judicial notice that marijuana usage has rapidly grown within our communities destabilising some of our potential leaders, in their own right, to be mentally affected for abuse of the drug and become a liability to their families and to the Government.

6. What is worrying is that marijuana usage has not stopped. This case is an evidence. Marijuana is an illegal substance. Yet, you were in possession of it. You deliberately acted in doing so.
7. On the other hand, this court is also duty bound to consider that you are a young person. As a young person, you are transitioning to become fully grown matured person. It means you are developing and is subject to some erratic choices and behaviour in life. The Court hopes that in your time of the case at this court, you realize the error resulting in this case and you make a choice to come out from it.
8. You were cooperative with Police. You observed well your bail conditions. You have no previous conviction. And you aspired to continue further education.
9. In *R v Gome¹* the Offender in that case pleaded guilty to one count of growing indian hemp contrary to section 8(a) of the *Dangerous Drug Act* and one count of possession of indian hemp contrary to section 8 (b) of the *Dangerous Drug Act*. He was sentenced to a custodial consecutive sentence of 4 months imprisonment. The first count was 3 months and the second was 2 months. One month was reduced because of youthfulness and guilty plea of the offender.
10. With your sentencing, deterrence must be factored. Not only to be an awareness to you and likely offenders but to echo public interest and courts' strong opposition to the offending.
11. The appropriate starting point is 4 months imprisonment for a contested case.
12. I reduce 1 month imprisonment for all the mitigating factors.
13. Standing back and reconsidering the sentence, the imprisonment term will be a crushing effect on you. You are young and have prospects of rehabilitation. You are aspiring to further your education. 4 months in custody will only minimise your restoration to be become a better person. As such I will fully suspend your imprisonment term for one year. That is to ensure you take your chances seriously to reform.

ORDERS

14. Impose 3 months imprisonment term against you.
15. Direct that the 3 months imprisonment to be suspended fully for one year.
16. If you are not happy with the decision, you can appeal within 14 days. This also applies to Prosecutions.

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THE COURT

Ishmael Kekou – Magistrate First Class



¹ CMC-CRC No. 10 of 2016.