

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Criminal Jurisdiction)

Criminal Case No. 52 of 2008

PUBLIC PROSECUTOR

-v-

**ROBERT MAHIT
MANAS EZIKEL
JOEL MAHIT
JIMMY REUBEN**

Coram: Justice C. N TUOHY

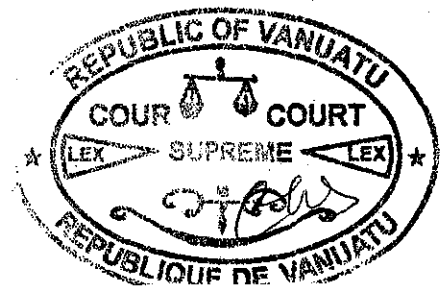
Date of Hearing: 3 June 2008

Date of Sentence: 3 June 2008

**Counsels: Mr. Molbaleh for Prosecution
Mr. Loughman for Defendants**

SENTENCE

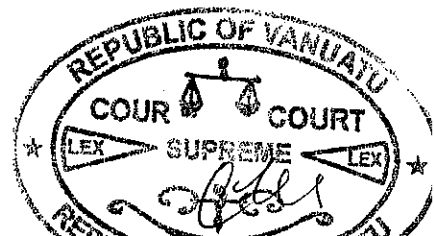
1. You four defendants have pleaded guilty to a charge of possession of cannabis leaves. The cannabis leaves were inside a packet and they contained a considerable number of what in other countries are called bullets of cannabis, where the cannabis leaves are rolled up in something like tin foil, in this



10/6/08
549

case newspaper usually containing enough for about 3 joints of cannabis.

2. There are a considerable number of these bullets, will call them. I do not know what the value of them is in Port Vila but I imagine there is quite an amount of vatus worth there.
3. It is obvious that this is not cannabis that was in your possession for your own use, but cannabis which you had for selling. All of you were involved in this. The facts do not disclose exactly what the involvement of each of you is and I am going to treat you all the same.
4. There are number of different sentences which could be imposed on you for this offending, ranging from an immediate imprisonment to a suspended sentence to community work. But in this case because of what has already happened the decision is really made.
5. The most significant factor is that you have already been in custody for just under 3 months while awaiting trial and sentence. Because there is automatic parole at half way point for any sentence under one year's imprisonment this is equivalent to a prison sentence of just under 6 months. In the circumstances really having served so much time on remand it would not be fair to sentence to you to anything other than a term of imprisonment. Because if I sentence you to anything other than a term of


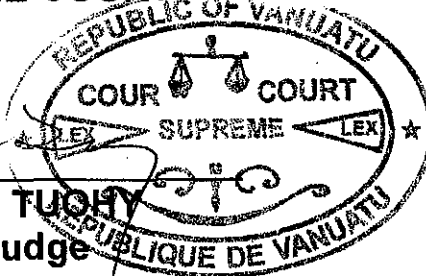


imprisonment you would lose the benefit of the time that you have served.

6. I think that the appropriate sentence is 6 months imprisonment. The law requires that in imposing that I have to deduct time served on remand. I therefore sentence you to 9 days imprisonment starting today. That is the equivalent of a term of imprisonment of 6 months if it had been imposed on the day that you went inside the prison.
7. Each of you a sentenced to 9 days imprisonment starting today.

Dated at Port Vila, this 3rd day of June, 2008

BY THE COURT



C.N. TUCKY
Judge