

PUBLIC PROSECUTOR - v - JOYCELYNE JOHNSON

Coram: *Chief Justice Vincent Lunabek*

Counsel: *Mr Tristan Kara for the Public Prosecutor
Mr Henzler Vira for the Defendant*

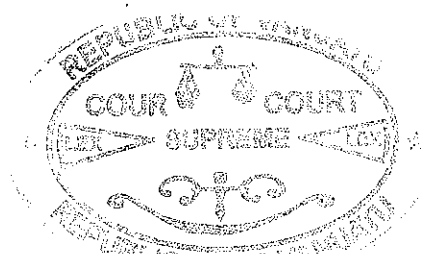
SENTENCE

This is the sentence of the Defendant, Joycelyne Johnson. The Defendant is charged and pleaded guilty to one count of possession of cannabis, contrary to Section 2(62) of the Dangerous Drugs Act [CAP.12].

The particulars of the offence are that on 16 December 2008 at Seaside Paama area, Port-Vila, the Defendant kept at her possession cannabis dried leaves and at the time she knew it was contrary to law.

The facts are set out in the prosecution's brief of facts as follows. The complainant is a police officer. The complainant police officer accompanied other police officers, including Officer, Harris Yoan, at Paama Seaside and Tongoa Seaside and did searches at the houses. The complainant officer and others went into the Defendant's house. They discovered a container of plant inside a plastic bag. The complainant and other police officers suspected the container of plants are cannabis leaves. When they discovered the container, the Defendant told them that she found the container outside her house and she took it into her room. The Defendant had in her possession 29.26 grammes of cannabis leaves and seeds.

The same day report shows that the Defendant is 38 years of age. She is a Ni-Vanuatu. She is originally from Olep Village, South of Paama. The Defendant is married and had six children with her husband. She was divorced from her husband twelve years ago. She looked after her six children herself at Paama Seaside. Her



Chief Talang Mahit described her to be a very hard working single mother. Her chief confirmed also that although she was divorced from her husband, her husband shared the responsibility in taking care of the children's school fees.

Her chief is ready to welcome her in his community and the chief is ready to work close with the Probation Officers to monitor the situation of the Defendant. The Defendant is unemployed. She depends mainly on her parents and her brothers to support her family of six.

The Defendant is a first time offender. She has no previous convictions. The report shows that police officers were searching for stolen goods when they discovered the cannabis under the Defendant's bed. The Defendant gave explanation she put the cannabis under her bed away from her children after she found the plastic of cannabis and wanted to show it to the rest of the family.

She said sorry she should not take the plastic of cannabis and kept it under her bed. She realizes her offending and expresses her willingness to reintegrate and rehabilitate. She asks for a second chance.

Possession of cannabis is a serious offence. The maximum penalty imposed is a fine of 100 million Vatu or 20 years imprisonment or both.

In the present case, fine will not be an appropriate punishment as you are unemployed.

You are sentenced to 12 months imprisonment suspended for 24 months. In addition, you are ordered to perform 100 hours of community work under the relevant provision of the Penal Code (cap 135). The Defendant has 14 days to appeal.

DATED at Port-Vila this 18th day of December 2009

BY THE COURT

**Vincent LUNABEK
Chief Justice**

