

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
(Criminal Jurisdiction)

Criminal Case No. 102 of 2009

**PUBLIC PROSECUTOR**  
-V-  
**PIERRE JOHNATHAN**

*Mr. Leon for the Prosecution*  
*Mr. Bal for the Defendant*

**SENTENCING**

This matter was for 8h00 this morning at the time neither the Prosecution nor the Defence were in attendance. Approximately 8h15 the Defendant and his counsel Mr. Bal attended. The Prosecution have not attended. I record that I had the opportunity to read the Sentencing Submission of the Prosecution, and those of Mr. Bal for Pierre. The Prosecution Submissions proceed on the basis of aggravating features which did not form part of the Summary at the time the Defendant Pleaded guilty, for example there is no charge in respect of the possession of cannabis, the charge as I grasped it is the cultivation of one Cannabis plant. I record when the matter was first called I ask the Prosecutor to clarify the position of the 10.74 garn of Cannabis but he was unable to do so.

Counsel for the defendant has placed a number of cases before me I record I have read the Pre-Sentence report. There is a clear requirement in Vanuatu to make it clear that involvement with Cannabis is unacceptable. There is a need to deter others, denounce the conduct and protect the Community.

Particularly having regard to the fact this Defendant is charged with the cultivation of 1 Cannabis plant it is clear that this factual situation distinguishes it from many others, I must have regard to the maximum term of imprisonment balancing that and giving the Defendant Credit for his Plea of guilty, he is convicted and Sentenced to 9 month imprisonment which is Suspended for 1 year. The earlier community work order is cancelled. He is sentenced to Community work for 200 hours he is placed on Supervision for 9 months with the conditions as in the report (Standard Condition).

You have 14 days to appeal my Decision.

DATED at Port Vila, this 15<sup>th</sup> day of September, 2009

BY THE REPORT

