

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

**RENOLD LOLO**

**Mr Justice Oliver A. Saksak  
Mrs Anita Vinabit – Clerk**

**Mrs Kayleen Tavoia – Public Prosecutor  
Mr Henzler Vira for the Defendant**

### **SENTENCE**

1. Renold Lolo, you pleaded guilty on 15<sup>th</sup> March 2010 to one count of unlawful possession of cannabis plants contrary to section 2(13) of the Dangerous Drugs Act Cap 12. The Court hereby convicts you accordingly.
2. The maximum penalty for this offence is a very high one of VT100 million fine and 20 years imprisonment. This high penalty reflects the seriousness of this offence.
3. From the facts, you were drying 4 plants of cannabis plants. You knew it was unlawful to have them in your possession. The gross weight of the 4 plants was 206 grams.
4. The only reason you have given for possessing these 4 cannabis plants was that you were forced to supply these to your friend for VT4.000 cash. This cannot be a mitigating factor but rather an aggravating feature because you knew it was unlawful to have them in your possession and was prepared to go to the extent of selling them.



5. The Probation Officer recommended a sentence of Community Work should be imposed. That is not an appropriate penalty for your offending.
6. The Public Prosecutor has referred to the Case of PP v. Tuk Sope Crc 14 of 2004 where the Court sentenced the defendant to 3 months imprisonment but suspended the sentence for a period of 12 months. Your case is more serious than Tuk Sope's case in that he had 10.35 grams in his possession while you had 206 grams and with plans to sell them to a buyer.
7. I consider that under those circumstances, the appropriate penalty should be a custodial one but suspended and turned into a supervision order. Accordingly, I sentence you to 9 months imprisonment suspended for 2 years with supervision. This is imposed under Section 58 G of the Act.
8. This sentence serves two purposes –
  - (a) To deter you and others from committing this offence.
  - (b) To punish you adequately for what is apparently a very serious offence.
9. That is the sentence of the Court.

**DATED at Luganville this 18<sup>th</sup> day of March 2010.**

**BY THE COURT**

  
**OLIVER A. SAKSAK**  
Judge

