

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

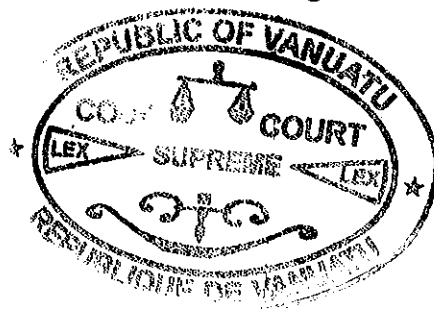
Criminal Case No. 48 of 2010

**PUBLIC PROSECUTOR**  
**V.**  
**UZAMA IJEH**

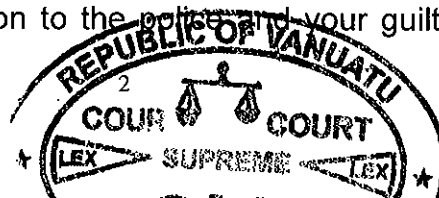
**Coram:** Justice D. Fatiaki  
**Date of Decision:** 9<sup>th</sup> June, 2010  
**Counsel:** Mr. L. Malantugun for the Public Prosecutor  
Mr. E. Molbaleh for the Accused

**SENTENCE**

1. On the 1 June 2010 the defendant was convicted on his guilty plea to Possession of a Prohibited Substance namely Cannabis. The defendant was remanded in custody and he appears today for sentencing.
2. The brief admitted facts are that on 14 April 2010 the defendant and a friend went to the domestic cargo counter at Bauerfield airport and enquired after a parcel that the defendant was expecting from Epi Island. On being informed that no parcel had arrived the defendant left but returned some time later to the domestic cargo area where he was observed checking for his parcel.
3. This behavior raised the suspicions of the domestic cargo counter staff who decided to keep an eye out for the defendant's parcel which eventually arrived on the last flight from Santo. The domestic counter staff examined the defendant's parcel and noted a strong aroma of cannabis emanating from the parcel.

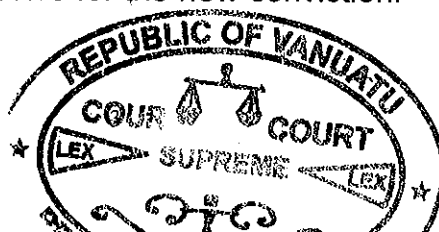


4. The next day they informed the police who went to the airport and waited for the arrival of the defendant. At about 3.00 pm in the afternoon the defendant and his friend arrived at the domestic cargo counter and picked up the parcel. As they were leaving the cargo area they were confronted by the police who arrested the defendant and his friend and confiscated the defendant's parcel.
5. At the station the parcel was opened and its contents of seeds and leaves were chemically tested and returned a positive result for cannabis. The cannabis weighed in total  $(85.99 + 69.3) = 155.29$  grams. The defendant was interviewed by the police and he admitted that he knew about the cannabis in the parcel and that he was the consignee of the parcel.
6. Although no pre-sentence report was sought in this case, defence counsel has helpfully mitigated on the defendant's behalf. I have also gleaned some useful information from the defendant's caution interview statement as follows:
  - The defendant is 18<sup>th</sup> years of age, single and the child of an African father and a mother from Wala in Malekula;
  - He left school in 2008, is unemployed and lives in Fresh Water 3 area;
  - He is a first offender and in defence counsel words: "*is trying to survive on his own in Port Vila*" (whatever that may mean); and
  - He hopes to attend a computer training program with WAN SMOL BAG and the Defendant has been in custody since 16<sup>th</sup> April 2010;
7. Defence counsel urges the Court to sentence the defendant to a term of imprisonment which will allow for his immediate release and prosecuting counsel is content to leave it to the Court.
8. Uzama Ijeh although you were caught red-handed in this case I have noted your early admission to the police and your guilty pleas in Court. I



have also noted your relative youth and the fact that this is your first offence. I am not aware if you are a user of cannabis but the quantity of the cannabis involved and the fact that you are unemployed at present, suggests to my mind that the cannabis was destined to be sold on the streets of Port Vila.


9. I am also concerned that you claim in your police statement that you do not know that it is an offence against the law to plant, possess or sell marijuana. Uzama Ijeh let me make very clear to you and like-minded others that ignorance of the law is no excuse. Furthermore, the law that prohibits the planting, possession, or sale of marijuana is called the Dangerous Drugs Act [cap 12] and it provides a maximum penalty of a fine up to VT100 million and/or imprisonment for up to 20 years.
10. In PP v. Ananais Bule [2006] VUSC 91 which involved a charge of Possession of 622.80 gram of cannabis and Attempting to sell cannabis, the Chief Justice imposed concurrent sentences of 2 months imprisonment on each count suspended for 2 years on a young first offender who had pleaded guilty to the charges.
11. I trust that you have learnt a salutary lesson from your brief experience of life behind bars since your remand on 16<sup>th</sup> April, 2010 and now that you know that any form of dealing with cannabis or marijuana is a serious criminal activity, I hope you will turn away from it and earn your living in Port Vila in a lawful manner.
12. To assist you to stay out of criminal activities the Court sentences you Uzama Ijeh to 2 months imprisonment suspended for 12 months. This means that if you keep out of trouble for the next 12 months you will not have to serve this sentence but, if you re-offend and are convicted, then you may be required to serve this 2 months imprisonment in addition to any sentence you may receive for the new conviction.



13. Uzama Ijeh whether or not you behave yourself and keep out of trouble for the next 12 months is entirely in your hands but if you do re-offend you can be sure that this Court is unlikely to be as lenient with you as it has been on this occasion.
14. For completeness I order the cannabis recovered in this case to be forfeited and destroyed within 14 days.
15. You have 14 days to appeal if you disagree with this sentence

**DATED at Port Vila, this 9<sup>th</sup> day of June, 2010.**

**BY THE COURT**

  
**D. FATIAKI**  
Judge.

