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

**CRIMINAL CASE No.11 OF 2011**

**PUBLIC PROSECUTOR -v- NORMAN CARL**

**Coram:** *Chief Justice Vincent Lunabek*

**Counsel:** *Mr Felix Ngwango for the Public Prosecutor  
Mr Tom Loughman for the Defendant*

**SENTENCE**

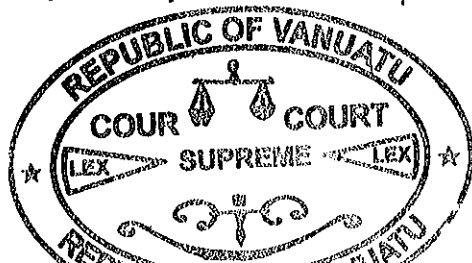
Norman Carl, this is your sentence. On 2 March 2011, you pleaded guilty to one count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12]. You were convicted accordingly on that offence on 2 March 2011. The brief facts are as follows:

On the 9<sup>th</sup> of February 2011 at 17.00hrs at the Parliament Park during the Kymani Marley concert, you were arrested by police officers after being found in possession of cannabis. This is a result of the searches made by police officers at the entrance of the concert premises on individuals before entering. You were then taken to the police and detained in cell #6.

On the 10<sup>th</sup> February 2011 around 15.00hrs the Complainant Smith Wuwut (Police officer) released you from cell #6. At 15.05hrs Police Officer Sylvano Bakon cautioned you and your rights were being read to you. You verbally admitted that one of your friends had given you the aforementioned substance to take with you into the concert premises. There were 3 rolls found in your possession, altogether weighing 0.87g.

Drugs offences are serious matters as reflected in the maximum penalty imposed by the Dangerous Drugs Act [CAP.12] of Vatu 100 million or 20 years imprisonment or both fine and imprisonment.

I have read submissions from the prosecution and your lawyer. I have also perused



the pre-sentence report filed by the Probation Services to assist the Court in your sentencing.

There is no aggravating factor. In mitigation, you are a young man of 20 years of age. You reside at Sumalapa community, Malapoa area, Port-Vila. You have completed your primary school with a Primary Certificate. You went on to the secondary school but you did not complete your year 10. In 2010, you attended Epule Training School and you still go to that Training School this year 2011 which will be your final year. You have some mechanics and carpenter skills. Your parents have plans for you to further your education abroad.

I consider the seriousness and circumstance of your offending and I accept that they are within the low range of this type of offending.

I sentence you to 6 months supervision under the following special conditions:

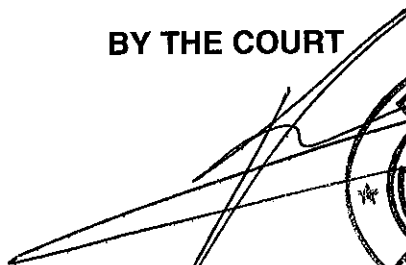
1. You shall undertake 'Niufala Rod Program' as directed by the Probation Officer.
2. You will not associate yourself with some of your friends who got involved with this type of drug offending.
3. You shall undertake educational program as directed by the Probation Officer.

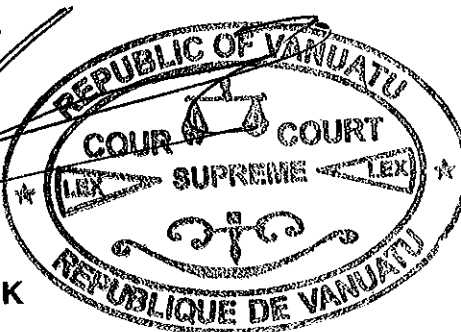
It is separately ordered that cannabis substance confiscated from you shall be condemned by the police/prosecution by 14 days.

You have 14 days to appeal your sentence if you are unsatisfied with it.

**DATED at Port-Vila this 24<sup>th</sup> day of March 2011**

**BY THE COURT**

  
**Vincent LUNABEK**  
**Chief Justice**

  
REPUBLIC OF VANUATU  
COUR SUPREME COURT  
LEX SUPREME LEX  
REPUBLICQUE DE VANUATU