

**PUBLIC PROSECUTOR -v- EMORY YAUKO**

**Coram:** V. Lunabek CJ

**Counsel:** Mr Tristan Karae for the Public Prosecutor  
Mr Andrew Bal for the Defendant

**SENTENCE**

On 16 August 2011, you entered a guilty plea for one count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12]. Today you appear to receive your sentence. The brief facts of this case are provided by the prosecution in their submissions. These facts are not disputed by your lawyer on your behalf and you have entered your guilty plea on the basis of these facts. They are as follows:

On or about the 9<sup>th</sup> of February 2011 around 18:00whrs Constables Nelson Roger who is the complainant was at the Parliament park on that night. The complainant and other Police officers including the VMF officers were tasked to provide security details at the main entrance and also to conduct bodily search to the people before entering the Parliament Park to the Ky-mani Marley concert.

During that night the complainant was at the entrance. You were making your way and were stopped by the complainant. The complainant conducted a bodily search on you and found suspected cannabis leaves in the pockets of your trousers.

The complainant removed the cannabis roll from you and took you to the police station where you were detained and the leaves were sent to the laboratory for testing. The test conducted on the suspected marijuana leaves were of cannabis and weighed at



0.34grams.

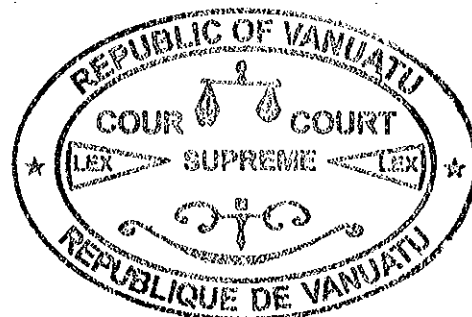
On the 10<sup>th</sup> of February officer Uriel Leo conducted an interview with you regarding the allegations laid against you. You admitted to being in possession of the cannabis.

When I sentence you, I peruse, read and consider submissions from the prosecution and submissions filed by your lawyer on your behalf. I have also the opportunity to peruse the pre-sentence report filed by the Probation Office to assist the Court in your sentencing.

The law that you have broken is the Dangerous Drugs Act [CAP.12]. Section 2(62) of this Act prohibits the possession of cannabis substance. The maximum penalty set by law is from payment of fine of VT100 million up to 20 years imprisonment or to both fine and imprisonment.

Possession of cannabis substance is a serious offence as reflected by the maximum penalty imposed by law. The Court condemns in the strongest term your offending. You shall be sentenced on the particular circumstance of your offending. In your case, you had in your possession a quantity of 0.34 grams of cannabis. You are sentenced to 12 months imprisonment as a starting point.

In mitigation, you are a young man of 21 years of age. You pleaded guilty at the early opportunity. Your parents had been separated. You currently reside with your father at Freshwota area. You maintain a good relationship with your chief and community members. As to your education, you have completed your primary level of education at Port-Vila Seventh Day Adventist Primary School. You have completed your year 7 to 11 at Aore Academic School. You could not further your education because you were sick. Your ambition in life is to build a rental apartment on your land at Freshwota area. You are currently unemployed and you are financially supported by your eldest sister. You inform the writer that you have quit cannabis and you are now living a positive life. You are first time offender.



Your sentence is reduced to  $\frac{1}{3}$  for your guilty plea and a further 2 months allowance for other mitigating factors. You are sentence to an end sentence of 6 months imprisonment.

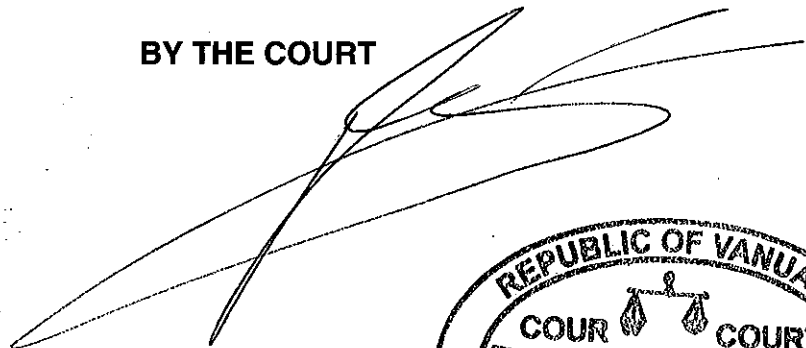
In the circumstance of your offending, your sentence of 6 months is suspended for a period of 12 months. During this 12 months suspension of your sentence, you must not re-offend. If you re-offend during the period of 12 months suspension, your suspended sentence of 12 months shall be reactivated.

In addition to your suspended 12 months imprisonment, you are ordered to perform 40 hours of community work and 12 months supervision.

You have 14 days to appeal your sentence if you are not happy with it.

**DATED at Port-Vila this 22<sup>nd</sup> September 2011**

**BY THE COURT**



**Vincent LUNABEK  
Chief Justice**

