

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

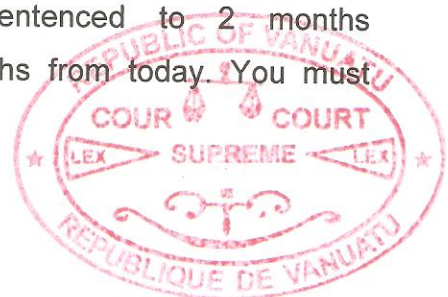
JEAN CARBALU

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mr P. Wirrick for Public Prosecutor
Miss J. Tari for Defendant

SENTENCE

1. Jean Carbalu you admitted having in your possession 5 ½ rolls of cannabis contrary to Section 2(62) of the Dangerous Drugs Act Cap 12.
2. I note from your pre-sentence report that you are using cannabis every day and that you started at the age of 16 years when you were still at school in 2009. It is time you think seriously about putting an end to your use of cannabis.
3. Your sentence today is based on the cases of PP v. Sope [2004] VUCA 14 and PP v. Mael [2009] VUSC 18. Your offending warrants a custodial sentence but it will be suspended. In addition a community service order will follow with some supervision to help you not to repeat the offending.
4. Therefore, you are convicted and Sentenced to 2 months imprisonment but suspended for 12 months from today. You must



realize that if you re-offend within this period, you will go directly to jail for 2 months.

5. In addition to your suspended Sentence you will do 40 hours of community service to reflect the seriousness of the offence. This is imposed under Section 58 N of the Penal Code Act Cap 135 as amended.
6. During your 12 months of suspended Sentence you will be subject to supervision by the Probation Service to help you to rehabilitate.
7. In imposing the above punishment, the Court takes account of the four mitigating factors made on your behalf by defence counsel and the fact that you are employed at the Oil Mill and assisting to support your family.
8. That is the Sentence of the Court. You are released from custody forthwith.

DATED at Luganville this 12th day of August 2011.

BY THE COURT


OLIVER A. SAKSAK

Judge

