

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

**Criminal Case No. 22 / 2012**

**PUBLIC PROSECUTOR**

**V**

**DANIEL MORRIS**

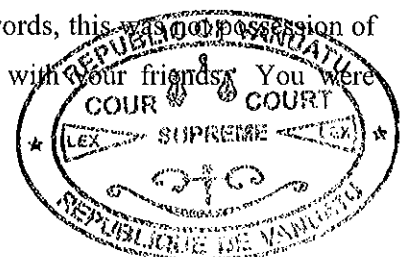
*Hearing: 11 May 2012*  
*Before: Justice Robert Spear*  
*Appearances: Tabisa Harrison for the State*  
*Eric Molbaleh for the accused*

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**SENTENCE**

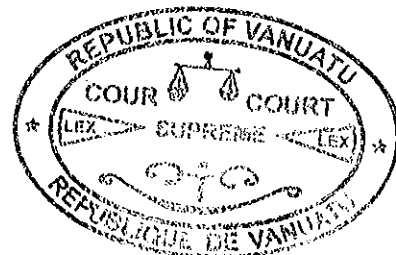
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1. Daniel Morris you are for sentence on 1 charge of Possession of Cannabis. The circumstances of that offending are not disputed. On 6 February 2012 you were arrested by the Police at the Mosso Landing in Havanah Harbour and found to be in possession of Vt 8,600 in cash which you admitted was the proceeds of you selling cannabis. Your home at Fresh Wota 4 was searched and a container was located containing a quantity of cannabis weighing 900 grams or .9 of a kilogram.
2. Mr Molbaleh's sentencing submissions referred to 0.9 grams but that difference has been worked through with counsel and it is now confirmed that the correct amount is .9 kilogram / 900 grams. That is a substantial amount of cannabis.
3. Taking your admission that the cash of Vt 8,600 was the proceeds of selling cannabis and that you were also found in possession of such a significant quantity of cannabis demonstrates without question that you were in the trade as a cannabis dealer. In other words, this was possession of cannabis for your personal use or to share with your friends. You were



acquiring cannabis in some way so that you could sell it and make a profit from it. You were working as a cannabis dealer.

4. This Court (as is the case with Courts throughout the world) repeatedly hear about the misery that is inflict upon those who become involved in the use of drugs. The reason why people are able to get started with drug use is because of people like you who are involved in the business of selling cannabis. Whereas, a rehabilitative approach can be taken to those who are found in possession of a small amount of cannabis for their own use or say to share with friends, a quite different approach is acquired for those who seek to profit from pedalling the misery that drug abuse entails.
5. So, the sentence that I impose upon you must mark the seriousness of the offending, it must put your offending in the proper context and at the right level, and it must also serve as a warning to you and to others that drug dealing will be dealt firmly by the Courts. That is necessary for the protection of the young and easily influenced who might want to experiment with cannabis or consider adopting a cannabis smoker's lifestyle.
6. Cannabis dealers like you must understand that it is not worth the risk and that, while easy money can be made by growing cannabis and by selling cannabis, there is a significant risk if you are caught.
7. I am prepared to adopt, in your case, a starting point of 18 months' imprisonment to reflect the seriousness of the offending. You have a previous conviction for theft and trespassing back in 2005 for which you are fined so you cannot claim that you come to the Court as a first offender. You are also not a young man even though in the pre-sentence report Chief Edward described you as a helpful *youth*. Well, you are 32 years of age and you are at an age where you should be acting responsibly. In particular, you must be held responsible for your own actions. You can't explain this away as some kind of youthful experiment or escapade that you now regret. I am in no doubt that you saw cannabis dealing as a way to enhance your lifestyle in a financial sense.



8. I accept, however, that you are remorseful for the shame that you brought on to your family because of this offending. There can, accordingly, be some hope that you will learn from the sentence that I will impose on you.
9. I also acknowledge that you have cooperated fully with the Police and for that I am prepared to reduce the sentence by 6 months.
10. You also pleaded guilty at an early time and you are entitled to a full third credit for that which brings me back to 8 months' imprisonment.
11. The question then is whether I impose that as an immediate sentence or whether I suspend it and couple it with supervision and community work.
12. Mrs Harrison departs with the written submissions prepared and presented by another prosecutor and argues that, as there was a commercial element to this offending, the imprisonment should not be suspended.
13. Mr Molbaleh argues that you will have learned a salutary lesson from what's happened here and that it is appropriate that the sentence be one of 6 months' imprisonment suspended for 2 years and coupled with supervision and community work. If you were a younger man and there was not quite so much cannabis involved, I might have been more inclined towards such a sentence. However, at 32 years of age and with 900 grams being kept at a container at your home, in my view there is a real concern that you were operating at a significant level in so far as cannabis dealing is concerned. For those reasons, I am not prepared to suspend the imprisonment.
14. You are sentenced to 8 months' imprisonment and that will commence immediately.
15. You have the right to appeal this sentence if you are not happy with it.

BY THE COURT

