

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

Criminal Case No. 60 of 2012

**PUBLIC PROSECUTOR**

**V**

**PHILIP PIERRE**

**STEVEN KORI**

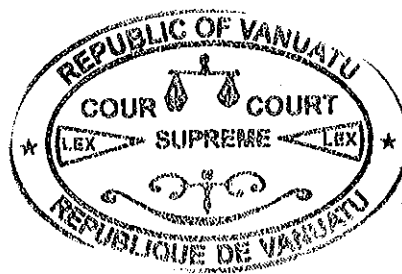
**Coram:** *Justice D. V. Fatiaki*

**Counsels:** *Mr. T. Garae for the Public Prosecutor  
Mr. J. Kausiama for the Defendant*

**Date of Sentence:** *6 July 2012*

**SENTENCE**

1. Although the 2 defendants are unrelated they are being sentenced together because they were arrested on the same date and at the same venue and were charged with the same offence.
2. The defendants were convicted on **3<sup>rd</sup> July 2012** after they pleaded guilty to the offence of Being in Possession of Cannabis. Both also admitted the summary of facts outlined by the prosecutor to the effect that the defendants were separately searched at the gate to the Stade Stadium where they had gone to watch a soccer match and dried leaves were found in each defendant's possession. Both were arrested and escorted to the Police Station and the dried leaves were weighed and tested.
3. The first defendant **Philip Pierre** had 4 rolls of dried leaves wrapped in paper with a combined weigh of **319.22 grams** and **Steven Kori** had a single roll of dried leaves weighing **5.04 grams**. All rolls returned positive results for cannabis when chemically tested by the Forensic Unit.
4. On weight alone, **Philip Pierre's** offense is considerably more serious than that of **Steven Kori** and that difference must be reflected in the Court's sentencing.
5. Although the court has not had the benefit of a pre-sentence report defence counsel made a plea in mitigation on behalf of each defendant which I have taken into account.

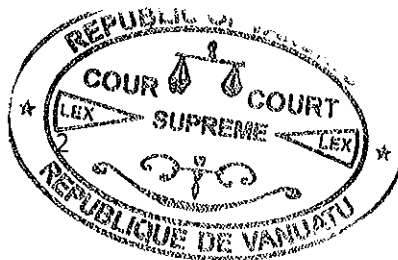


**Philip Pierre**

6. You are 28 years of age, single and work as a security guard at Paradise Cove. You are a first offender and are not a user of cannabis. You pleaded guilty and your lawyer says "you realize you made a wrong decision" in agreeing to sell the cannabis for a friend and you regret that error. Your lawyer also asks the Court to impose a community-based sentence.
7. I accept that this offence is "out of character" and reflects more foolishness on your part rather than real criminality. Nevertheless, you knew what the rolls were and you had intended to sell them. In other words you willingly took the risk. The weight of cannabis which was found in your possession ie. **319.22 grams** was certainly a commercial quantity and it is pure good fortune that you are not facing the more serious charge of Attempting to Sell Cannabis.
8. Possession of Cannabis is an offence which carries a maximum penalty of a fine of up to VT100 million or 20 years imprisonment. That is a clear indication of the seriousness which the law views your offence. The Court also has a duty to do all it can to reverse the growing incidence of crimes involving cannabis. The fact that there may be a local market for cannabis makes it all the more pressing that deterrent sentences be imposed on all offenders who possess or deal with cannabis.
9. In this latter regard I note that you commendably named the supplier and intended purchaser of the cannabis in your police statement, but, unfortunately, nothing is known about what follow-up enquiries (if any) were made to track them down and prosecute them.
10. **Philip Pierre** considering all the circumstances in the case and accepting that the cannabis did **not** belong to you **and** that your possession of the rolls of cannabis was that of a mere "courier", I impose a sentence of 2 years imprisonment suspended for 2 years. You are also sentenced to undergo supervision for 12 months **and** as a special condition to undertake and complete the Niufala Rod Programme offered by the Wan Smol Bag Theatre Company.
11. You are also warned that if you commit any offence in the next 2 years and are convicted you will be required to immediately serve this present sentence of 2 years imprisonment. If you stay out of trouble however, for the next 2 years then this sentence will lapse and will not need to be served.

**Steven Kori**


12. Your lawyer tells the Court that you are 24 years of age, are a first time offender, and have successfully completed one tour under the seasonal worker scheme to New Zealand. You are an occasional user of cannabis and the roll of cannabis that was recovered from your possession was intended for your personal consumption.



13. I accept that your case differs substantially from and is less serious than Philip Pierre's case. I also accept that you admitted the offence to the police including naming your supplier and you pleaded guilty at the first opportunity.
14. The fact that this conviction may jeopardize any future chance you may have to go on the seasonal worker scheme is a punishment in itself but so is, addiction to cannabis.
15. In your case, the sentence I impose on you is one of 9 months imprisonment suspended for 18 months.
16. You are also urged to stay out of trouble for the next 18 months and to refrain from using cannabis. To help you in this latter regard I also impose on you a sentence of 12 months supervision with a special condition that you undergo counselling as advised by a probation officer with a view to exposing you to the dangers and risks of prolonged use of cannabis.
17. **Philip Pierre** and **Steven Kori** you each have 14 days to appeal against your sentence if you do not agree with it.
18. For completeness I order that the cannabis recovered from the defendants in this case be destroyed within 7 days.

**DATED at Port Vila this 6<sup>th</sup> day of July 2012.**

**BY THE COURT**

  
**D. V. FATIAKI**  
Judge.

