

**PUBLIC PROSECUTOR - v - ENOL JOVI**

**Coram:** *V. Lunabek CJ*

**Counsel:** *Mr Tristan Karae for the Public Prosecutor  
Ms Jessica Palo for the Defendant*

**SENTENCE**

Enol Jovi, you appear today for your sentence. You are charged with one count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12].

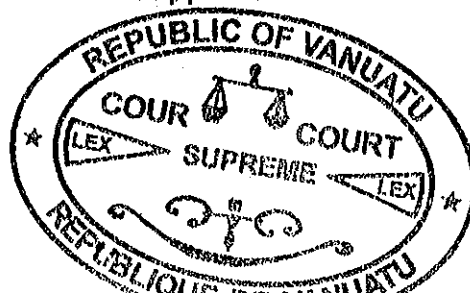
On 8 May 2012, you enter a guilty plea on the facts set out by the prosecution, the summary of which is set out below.

Police Officer Bakon Sylvano is the complainant in this case. Your offending occurred towards the end of March 2012. At that time, you are a student at Tebakor School.

On or about the 28<sup>th</sup> of March 2012, Officer Bakon Sylvano received information from the Principal of Tebakor School that a student by the name of Enol Jovi was in possession of suspected cannabis leaves and that he was likely to be selling the suspected cannabis leaves to others on campus. The student referred to is you.

Officer Bakon Sylvano with other police officers made their way to Tebakor School to investigate the allegation.

After the police arrived at the Principal's office, the Principal then called you to his office to which you were searched including your handbag. In your handbag, Police officers found a bush leave which was wrapped around to cover up the cannabis leaves.



After the police officers removed the bush leave, they found several packages of suspected cannabis and each packages where identified with VT500 and VT200. There were 7 packages which were priced at VT500 each and 3 packages priced at VT200 each. The total estimated value is Vatu 8,100.

The complainant then cautioned and arrested you and you were brought to the police station.

The suspected cannabis materials were then forwarded to the forensic section which they verified and confirmed that it was of cannabis substance and weighed 42.08 grams.

On the 29th of March 2012, you were interviewed and during your interview you admitted that you had in your possession cannabis leaves and that you are looking for a buyer to whom you can sell the cannabis leaves.

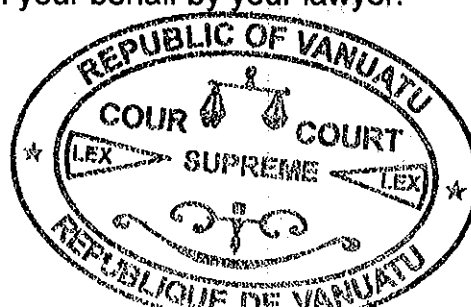
Enol Jovi, you are a single young man of 19 years of age. You must understand that the law prohibits importation, sale, supply or possession of cannabis in Vanuatu. That law is called Dangerous Drugs Act [CAP.12].

On March 2012, you have broken that law when you have in your possession cannabis with intention to sell them.

The law says that if a person had in his possession cannabis, he has broken the law and he will be facing a maximum penalty of payment of a fine of 100 millions Vatu or to go to prison for a term of imprisonment of 20 years or to both such fine and imprisonment.

When I consider your sentencing, I consider it on the basis that you have committed a serious offence. You can also note that the seriousness of your criminal wrong doing is reflected in the high level of penalty that is imposed by law as I have referred to you earlier.

When I consider your sentencing, I read and peruse the pre-sentence report filed by the Probation Office. I also read and consider the submissions of the public prosecution and submissions made on your behalf by your lawyer.



The pre-sentence report reveals that you are from Matanfata village, Malekula. You are a student at Year 13 Foundation. You told the writer of the report that before your offending, you were having a conversation with your uncle who had just come from the Island. You explained that during the conversation, your uncle asked you if you are interested to make some money by selling cannabis leaves, to which you agreed after much influence.

Your explanation of your offending cannot be accepted as a justification of your offending as you are trying to put the blame of your offending on your uncle in order to try and minimize your offending behaviour.

In addition, you told the writer of the report that you did not intend to smoke cannabis at all. You just wanted your share of the sale of cannabis.

Smoking cannabis is not the offence but it is a dangerous drug for your health and the health of other members of the community. The offence under the law is that you shall not have cannabis in your possession; you shall not import cannabis; you shall not sell cannabis; you shall not cultivate cannabis and you shall not supply cannabis in Vanuatu. You are the only person to be blamed as you must be responsible for the consequences of your wrong doing.

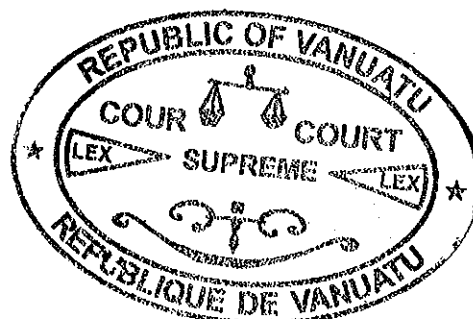
In the present case, the circumstance of your offending is aggravated by the following factors:

1. You have a total of 42.08 grams of cannabis; and
2. You have intention to sell cannabis which connoted a modest commercial element to your offending; and
3. In a school campus.

I sentence you to 12 months imprisonment.

I now balance the above with the mitigating factors including all what your lawyer told the Court to consider in your sentencing, namely:

Your guilty plea; you are a first time offender; your age and you are a student.



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I reduce your sentence from 12 months to 9 months imprisonment. Your sentence is suspended for 2 years. In addition, you shall go through 6 months supervision with special conditions:

- You must do away with cannabis;
- You undertake Niufala Program as directed by the Probation Officer.

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

**DATED at Port-Vila this 5<sup>th</sup> day of June 2012**

**BY THE COURT**



**Vincent LUNABEK  
Chief Justice**

