

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

Criminal Case No. 68 / 2012

PUBLIC PROSECUTOR

V

GEORGE JOHN

Hearing: *28 September 2012*
Before: *Justice Robert Spear*
Appearances: *Leon Malantugun for the Public Prosecutor*
Jacob Kausiama for the Defendant

SENTENCE

1. George John pleaded guilty on 7 August 2012 to a charge of being in possession of 29 joints or cannabis cigarettes. The offending occurred in 2009 and was indeed reported to the police by his parents who noticed him preparing the joints in his bedroom at the family home.
2. It is clear that the volume of cannabis joints that were being prepared by the defendant indicates that he was preparing them for sale and, as such, there is a commercial aspect to this charge of possession. That increases the seriousness of the offending.
3. Since the time of this offence, the defendant was convicted of arson for which he received a sentence of 3 ½ years' imprisonment. He is currently 6 months into that sentence.
4. Notwithstanding the time that has passed since this offending occurred and that the defendant is currently a serving prisoner, it is still necessary to mark the offending in a clear and significant way. The reality is that cannabis is an illegal substance in Vanuatu and the defendant has knowingly become involved in the trade of cannabis. A sentence to mark the seriousness of the offending and to deter both the defendant and others from involvement with cannabis is required.



5. It is important that account be taken of the early guilty plea entered by the defendant when he was eventually apprehended for this offending as well as recognising that he is serving a sentence of 3 ½ years' imprisonment for other offending. The totality of his position is required to be examined.
6. Having regard to those considerations, I consider that the least restrictive outcome is a sentence of 4 months' imprisonment cumulative 3½ years' imprisonment he is serving for the arson.
7. George John, you are sentenced to 4 months' imprisonment cumulative on the sentence of 3 years 6 months that was imposed on you recently.
8. You have 14 days to appeal this sentence if you do not accept it.

BY THE COURT

