

PUBLIC PROSECUTOR – VS – JIMMY WARREN

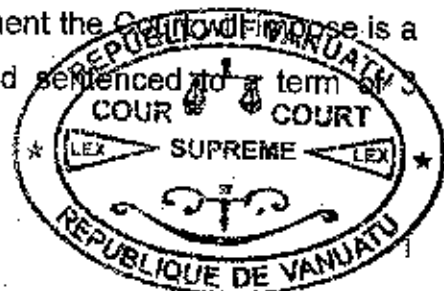
Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Mr. Ken Massing for Public Prosecutor*
Mr. Jacob Kauslama, Public Solicitor for Defendant

Date of Sentence: *9th August 2013*

SENTENCE

1. Jimmy Warren you pleaded guilty on 6th August 2013 to one count of unlawful possession of cannabis contrary to section 2 (62) of the Dangerous Drugs Act Cap. 12.
2. The maximum penalty for this offence is a fine not exceeding VT100 Million or imprisonment not exceeding 20 years.
3. In considering appropriate penalty I have seen the submissions filed by the Prosecutor and by the Public Solicitor. I have also seen the Pre-Sentence Report filed by the Probation Service. I note from the report that you are currently serving an imprisonment term of 5 years and 6 months for another criminal offence. The report does not specify what offence.
4. From the facts which are conceded by you, you committed this drug offence while you were at large after having escaped from lawful custody. This an aggravating feature of your offending coupled also with the fact that this is the second time you are before the Court. The amount involved was a mere 0.239 grams.
5. For those reasons, the only appropriate punishment the Court can impose is a custodial one. You are therefore convicted and sentenced to a term of 5 years and 6 months imprisonment.



months imprisonment. The Court adopts the principle in Public Prosecutor v. Sope [2004] VUCA 14.

6. I order that these 3 months be served cumulative (in addition) to your current term of 5 years and 6 months. That brings the new total Sentence for you to 5 years and 9 months.
7. That is the Sentence of the Court. You have a right of appeal against Sentence within 14 days if you so choose.
8. As a young man, you need to understand that you cannot go on breaking the law. You need to think seriously about your life and appreciate, the programs offered to you during your incarceration. These are intended to help you rehabilitate so you can be reintegrated back into the Community. If you do not decide to change, you may find that Correctional Centre will be the only place for you.

DATED at Luganville this 9th day of August 2013.

BY THE COURT


OLIVER A. SAKSAK

Judge

