

PUBLIC PROSECUTOR – VS – EDDIE ESAU

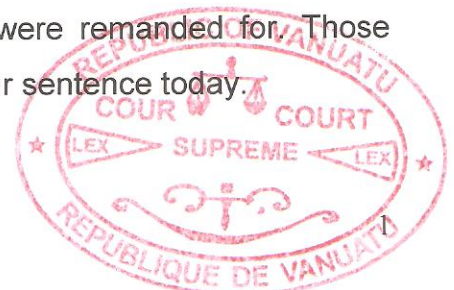
Coram: Mr. Justice Oliver Saksak

Counsels: Mr. P. Wirrick for Public Prosecutor/State
Miss. J. Tari for Defendant

Date of Submissions and Sentence: 25th March 2013

SENTENCE

1. Eddie Esau, you pleaded guilty on 14th March 2013 to one count of unlawful possession of cannabis contrary to section 2(62) of the Dangerous Drugs Act [Cap.12].
2. This is a very serious offence as the maximum penalty as laid down by Parliament is a fine not exceeding VT100 Million or imprisonment not exceeding 20 years, or to both.
3. On 21st February 2013 whilst on a voyage on the LC Tina 1, you were caught by a policeman smoking a roll of cannabis. He made contacts with the Police in Santo who apprehended you upon the ship's arrival in Luganville. Upon searching you, the police found a half-smoked roll of cannabis and a small quantity of cannabis leaves weighing about 0.236 grams. Upon testing, they proved to be cannabis.
4. Your Pre-Sentence Report indicates you are a 27 year old man with no employment currently living with your father-in-law and your defacto wife and a young daughter at Solway. Your report also indicates that you were remanded twice in custody in Port Vila on 29th August 2012 to 13th September 2012 and again from 13th September 2012 to 2nd October 2012. An extract from your Management System confirms this. However, it falls short of specifying for what allegations or offences you were remanded for. Those remands therefore do not have any bearing on your sentence today.



5. There is however a factor that is of serious concern to the Court and this is due to the statement made by your defacto wife that indicates that she saw you smoking again and that she stopped you. This is evident from the passage: "*emi jas smokem wan nomo last week afta mi tok long hem.*"
6. The report is dated 21st March 2013. "Last week" refers to the week from 11th – 15th March. You entered plea on 14th March. Therefore this incident happened while you are on bail and pending your sentence for your current offending. That is a serious factor that shows you (a) as a habitual offender and (b) you are not deterred whatsoever by the laying of the charge against you.
7. For those reasons, the Court must impose a punishment that will reflect a deterrence and a denunciation of your offending. A custodial sentence is therefore the appropriate sentence for you. However, considering the mitigating factors submitted on your behalf by Counsel, your custodial sentence will be suspended. The suspension period will be a little longer than what was given to Sope.
8. The Court hereby convicts and sentences you to imprisonment for a term of 3 months. However, this sentence is suspended for a period of 16 months from the date hereof. If you commit this offence again within those 16 months or are charged with any other offences for which you are convicted, you will automatically go to prison to serve your 3 months term.
9. That is the Sentence of the Court. If you are unhappy with it, you may appeal within 14 days, if you so choose.

DATED at Luganville this 25th day of March 2013.

BY THE COURT

OLIVER A. SAKSAK

Judge

