

PUBLIC PROSECUTOR – VS – ANDREW KELEP

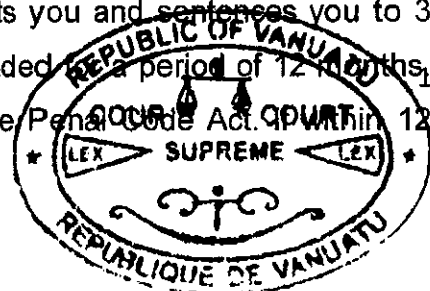
Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Mr. Ken Massing for the State*
Ms Jane Tari for the Defendant

Date: *6th March 2014*

SENTENCE

1. Andrew Kelep, you are for sentence today for pleading guilty to one charge of unlawful Possession of Cannabis contrary to Section 2(62) of the Dangerous Drugs Act Cap 12.
2. This is the third case of unlawful Possession of Cannabis the Court has dealt with today. The number indicates that drugs or Cannabis offending in Vanuatu is on the rise and the Court needs to continue to impose punishments that must act as deterrence to offenders.
3. In your case you have admitted to having on your possession one roll of cannabis substance on 31st December 2013 when the Police apprehended you. You were together with defendant Javen Awa who was convicted in Criminal Case No. 21 of 2014. You both smoked cannabis at the time. These are circumstances which give rise to suspicion and as such warrant that this Court should apply Tuk Sope [2004] VUCA 14 instead of accepting that your offending falls within Category 1 of offending laid down in Wetul's Case [2013] VUCA 26.
4. I note from your pre sentence report that you are a regular user of Cannabis. I trust you are beginning to realize what Cannabis would do to you if you do not consider exercising restraint seriously. You have a 12 year old daughter born to you out of a defacto relationship which has unfortunately ended in a separation. You do have family responsibilities which you must consider seriously.
5. Based on your own admission, the Court convicts you and sentences you to 3 months imprisonment but the sentence is suspended for a period of 12 months. This suspension is made under Section 57 of the Penal Code Act. CAP 12

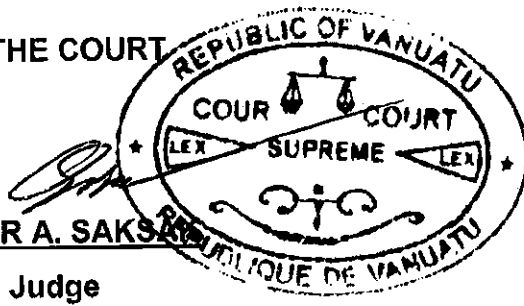


months you commit this offence again or any other criminal offences for which you are charged and convicted, you will go to prison for 3 months.

6. That is the sentence of the Court. You may appeal against this sentence if you wish, in which case you should file an appeal within 14 days.

DATED at Luganville this 6th day of March 2014.

BY THE COURT



OLIVER A. SAKS
Judge