

PUBLIC PROSECUTOR

- v -

RICHARD HARRY

Coram: V.LUNABEK CJ
Counsel: Mr Ken Massing for the Public Prosecutor
Ms Jane Tari for the Defendant

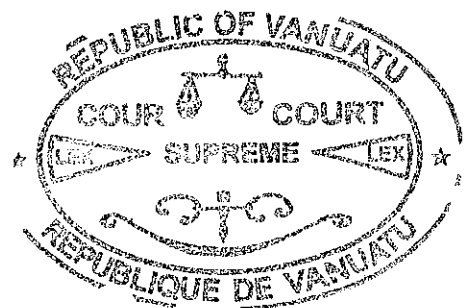
SENTENCE

Richard Harry, you appear today for sentence. You are 26 years of age. You come from Malovuku village in the Big Bay area of Santo. You live with your defacto wife and a new baby girl. You work in a cattle farm and you cultivate gardens to sustain you and your family. On 17 February 2015, you entered a guilty plea on one count of Cultivation of Cannabis, contrary to s.4 of Dangerous Drugs Act [Cap 12].

The brief facts of your offending are set out as follow:

Brief Facts:

1. A complaint was made against you for the offence of cultivation of cannabis.
2. The offence occurred sometimes at the end of October 2014 at Malovuku area at Big bay, Santo.
3. You cultivated young seedlings of Marijuana inside old cooking pot. The Marijuana were not measured but the net weight was 3.22 grams.
4. The Police confiscated the plants during their visit to that area sometimes in November 2014.
5. The Marijuana plants were tested and turn positive to be Cannabis substance.



6. You were cautioned and interviewed by the Police and you admitted you committed the offence.

Cultivation of cannabis is a serious offence as it is prohibited by law and so it is against the law. The law imposes a maximum penalty of a fine of vatu 100 Millions or a term of imprisonment of 20 years or both fine and imprisonment.

As you have broken the law you must be punished for your offending.

In your sentencing, I take into account the submissions and authorities advanced by the prosecution and I also take into account of the submissions and authorities made by your lawyer on your behalf. I further peruse the same day report filed by the probation office to assist the Court in your sentencing.

The report shows that you are 26 years of age. You are a first time offender. You plead guilty at the first time opportunity given to you by the court. You are remorseful and your regret your actions.

I decide not to sentence you to prison today based on the circumstance of your offending. You are ordered to perform 80 Hours Community Work.

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

DATED at Luganville, Santo this 18th day of February 2015

BY THE COURT

Vincent LUNABE
Chief Justice

