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

Criminal Case No. 67 of 2010

PUBLIC PROSECUTOR

-v-

MICHAEL GENSAANE

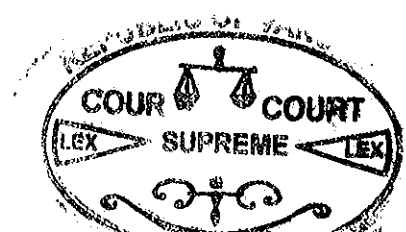
Coram: Justice N. R. DAWSON

Date of Sentence: 2nd September, 2010

*Counsel: Mr. E. Csiba for Public Prosecutor
Mr. E. Nalyal for Accused*

SENTENCE

1. Mr. Gensaane you appear in Court today for sentencing on a charge of Cultivation of Cannabis. You pleaded guilty to that charge at an early stage.
2. The Police received information that you were cultivating cannabis at your premises and on checking, found and uprooted 12 stems of plants at your premises. A report showed that the plants they had taken were cannabis. The total weight of the substance was 83.029 grams.
3. I note you have no previous convictions. I have read the Probation Report and I have also read the submissions from prosecution and defence counsel and heard them address the Court today.
4. In sentencing you Mr. Gensaane it is necessary to hold you accountable for your behaviour. You chose to break the law in this way and you need to be held to account accordingly. A sentence needs to be imposed that will promote within you a sensible responsibility so this offending doesn't occur again. It is the view of this Court that cultivating cannabis is a more serious offence than possession of small amounts of cannabis.



5. The Court has formed the view that there are no aggravating factors with respect to this offending on this occasion. There are mitigating factors including that you have entered an early guilty plea; you have demonstrated remorse for your offending and you had no previous convictions. The Probation Report notes that you have taken steps to reduce any likelihood of future offending.
6. Mr. Gensaane you need to know that if you ever come back again on a future charge of Cultivation of Cannabis. It is highly likely that you will go to prison. On this occasion I am prepared to impose a community based sentence but reoffending in the same way would not result in that same outcome.
7. You are convicted and sentenced to 100 hours of Community Work. Your passport that is held by the Court is to be returned to you now but you need to understand that you need to complete all your hours of Community Work before you travel overseas again.
8. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

DATED at Port Vila, this 2nd day of September, 2010

BY THE COURT


N. R. DAWSON
Judge

