

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

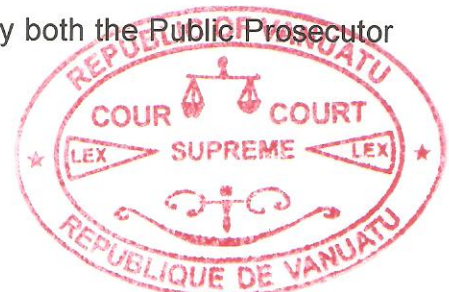
**COLLIN ULAS**

**Mr Justice Oliver A. Saksak  
Mrs Anita Vinabit – Clerk**

**Mr Lent Tevi for Public Prosecutor  
Mr Chris Tavoia for the Defendant**

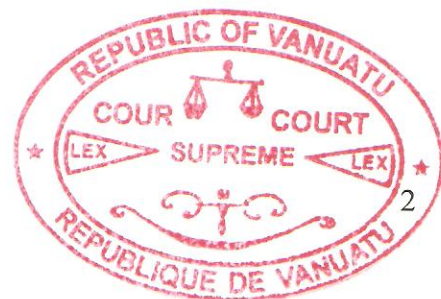
## **SENTENCE**

1. Collin Ulas you were charged with one count of unlawful possession of cannabis plants contrary to section 2 (62) of the Dangerous Drugs Act CAP 12 to which you admitted and entered a guilty plea on 10<sup>th</sup> February 2010. Sentencing was adjourned pending a Pre-Sentence Report at the request of your Counsel.
2. The maximum penalty for this offence under Section 17 of the Act is VT100 Million fine or imprisonment of 20 years or to both. This high penalties indicate the seriousness of this offending.
3. On 23<sup>rd</sup> December 2009 when the Police apprehended you and carried out a search they found 2 plastic bags containing cannabis leaves and seeds in your possession and on your person. You knew what these were and you have admitted this on arraignment.
4. The Court now considers the appropriate sentence to impose on you. I take into account the submissions made by both the Public Prosecutor



and defence counsel in light of your Pre-Sentence Report and your previous criminal convictions and record.

5. Whilst you cooperated by making admission to the police at interview and by entering a guilty plea at the first opportunity, your past record is tainted with previous convictions. Your Parole Case Note shows that you fail to do reporting on a couple of occasions and that you were a difficult offender to deal with. However, your Termination Report indicated that you were suitable for recommendation for community based sentences in future. This would infer that you are not necessarily a habitual offender but one that is capable of change given time and efforts.
6. I have had regard to the recommendations of the Probation Officer. I have also had regard to the submissions of the Prosecutor and of the defence counsel and under the circumstances of your offending the Court will adopt their submissions as to Sentence.
7. The cases referred to by the Prosecutor as accepted by the defence counsel were Public Prosecutor v. Tuk Sope: Criminal Appeal Case No. 14 of 2004; Public Prosecutor v. Wilkins Moli: Criminal Case No. 27 of 2008; Public Prosecutor v. Graham Seule: Criminal Case No. 4 of 2008 and Criminal Case No. 11 of 2009: Public Prosecutor v. Royson Bal. Each of these cases were different in their facts and circumstances. Your case was different in its own way. The quantity of the substance found in your possession was not specified. The only common factor with all these cases was that all the defendants were sentenced to imprisonment but had their sentences suspended either wholly or turned into a supervision or community service order.



8. Under those circumstances, the Court will adopt the same sentencing principle to ensure consistency and maintain a degree of deterrence on future possible offenders.
9. You are therefore sentenced to 4 months imprisonment suspended for a period of 12 months. This sentence is turned instead into an order for Community Service under Sections 58N and 58P of the Penal Code Act Cap. 135 as amended. You are ordered to do 20 hours of community service under the supervision of the Probation Service.
10. That is the Sentence of the Court.

DATED at Luganville this 25<sup>th</sup> day of February 2010.

PUBLISHED: 8<sup>th</sup> March 2010.

BY THE COURT



OLIVER A. SAKSAK

Judge

