

**PUBLIC PROSECUTOR -v- EDDY WORWOR**

**Coram:** V. Lunabek CJ

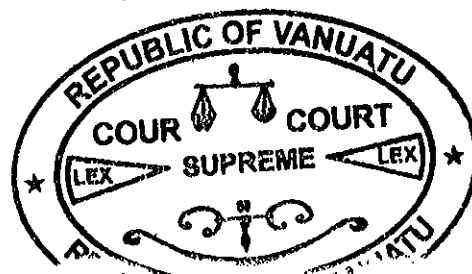
**Counsel:** Ms Tabisa Harrison for the Public Prosecutor  
Mr Eric Molbaleh for the Defendant

**ORAL SENTENCE**

Eddy Worwor, this is your sentence. You are charged with one count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12]. On 9 August 2011, you pleaded guilty to that one count charged against you.

The facts of your offending are set out as follows:

1. As a result of search operations by Police Officers to the area of Anabrou you reside at, you were found in possession of 8.81 grammes of cannabis. Details are set out as follows:-
2. On or about the 10th of May 2011, the Vanuatu Drug Squad obtained a search warrant on reasonable grounds in suspicion of cannabis being held at the FSP compound at Anabaru. The search warrant gave the complainant the right to search the compound at the FSP area at Anabaru and any person within the compound.
3. On or about the 11th of May 2011, the complainant Uriel Leo and other police officers: Sgt Taliban, Constable James David, Constable Galinda, Constable Calvin and Constable Terry went to the the FSP compound at Anaburu around 9:20hrs and search the premises for cannabis/marijuana. During the search Constable Calvin Isaac came across you, Mr. Eddy Worwor, and so he conducted a bodily search on you and found a roll of cannabis



inside the pockets of your trousers.

4. You were arrested and were brought to the police station. On the 12th of May 2011 Officer James David cautioned you and during the interview police officers conducted with you, you admitted to the allegation laid against you. You stated that you have been smoking cannabis for 11 years and you have strong religious belief in the consumption of cannabis.
5. The substances found on you was taken for laboratory testing and it was confirmed to be cannabis and weighed at 8.81grams.

The law that you have broken is the Dangerous Drugs Act [CAP.12]. Section 2(62) prohibits possession of cannabis.

Section 17 of the Dangerous Drugs Act provides maximum penalties for such an offence from payment of fine of VT100 million up to 20 years imprisonment or both fine and imprisonment:

Possession of cannabis is a serious offence as reflected by the penalties imposed by law.

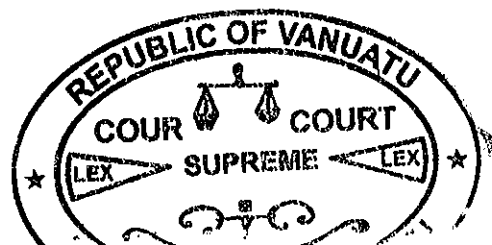
In this case, the circumstance of your offending is aggravated by the fact that you have in your possession a total of 8.81 grams. You have been smoking cannabis for 11 years and you become addicted to cannabis to the extent that you have a strong belief in the consumption of cannabis. This shows since 11 years, you have in your possession cannabis substances which are against the law.

I sentence you to 15 months imprisonment as a starting point.

In your mitigation, I consider the following:

You are a first time offender, you pleaded guilty at the first opportunity. You have skills in construction. You now work in a construction company. Your ambition in life is to construct a home for you.

You say sorry for your offending and you say that you will not re-offend again.



I reduce your sentence to 1/3 to reflect your guilty plea. I give you other allowances to reflect the time you have already spent in custody (1 month and 12 days) including other mitigating factors.

You are sentenced to an end sentence of 8 months imprisonment. I decline to reduce your sentence further as submitted by your lawyer due to your failure to appear for your sentence submissions on 9 September 2011 and a Bench Warrant was issued for your arrest. I suspend your imprisonment sentence of 8 months for a period of 3 years. This period of 3 years is the maximum period of suspension. I give you a maximum suspension period of 3 years to ensure that you will not re-offend and will not involve yourself again with cannabis because it is against the law. The maximum period of suspension will allow your rehabilitation by dealing with your addiction. If there is a Dangerous Drugs Centre to treat your addiction in Vanuatu I will make an order to send you directly there now. I am informed by the Probation Officer that there is none in Vanuatu.

If you offend again during the 3 years suspension period, you shall serve 8 months in custody in addition to your new sentence.

In addition, you are ordered to perform 40 hours community work and 6 months supervision.

You have 14 days to appeal this sentence if you are not happy with it.

**DATED at Port-Vila this 13<sup>th</sup> day of September 2011**

**BY THE COURT**

**Vincent LUNABEK  
Chief Justice**

