

PUBLIC PROSECUTOR

V  
WILLIE DAVID

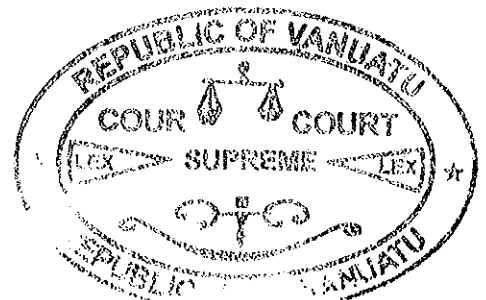
*Hearing:* 19<sup>th</sup> May 2011  
*Before:* Justice Robert Spear  
*Appearances:* Mr. S. Blessing for State  
Mr. T.J. Botleng for Accused

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SENTENCE

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1. Willie David you are for sentence today on a charge of possession of cannabis. The summary of facts confirms that you were found with 200 gram of cannabis leaves on Hide-Away Resort. Further, that you cut the person who found the cannabis on you and then tried to restrain you. You used a knife that you were carrying.
2. There is no charge in respect of the knife which is surprising. It is such a serious allegation, more serious than the possession of cannabis, that it should not be taken into account as an aggravating feature to possession charge. It should have been placed before the court by way of a specific charge to which you could have pleaded guilty or not guilty.
3. So, I sentence you simply on the basis that you were found in a public place with a bag containing 200 gram of cannabis leaves. The quantity of the cannabis takes it well out of amount that you would have for personal use. It puts you in to the category of someone who had the cannabis for the purpose of selling it to others. That means that there is a commercial aspect to this offending and that make this serious offending.



4. The only reason that I'm not prepared to send you to prison is that you are only 15 years of age. What I propose to do is to impose a sentence of community work and an extended period of supervision so that, hopefully, you will realize that the way you have been living is wrong and that you can turn this around.
5. The State sought a suspended term of imprisonment. I am very reluctant to impose a term of imprisonment on a 15 year old for offending at this level. I would need to be of the view that a term of imprisonment was warranted in your case before considering whether, for reasons relating to you as a person, that could be suspended either in part or in whole. I do not consider that imprisonment should be imposed here and so the question of suspension does not arise.
6. However, if you had been convicted of a charge relating to the wounding or cutting, I would have had to consider more seriously imposing a term of imprisonment on you notwithstanding your age. You need to understand that if you make the decision to carry a knife, you have to live with the consequences if it is used.
7. I recognize your early guilty plea. However, particular because of your age, the sentence I impose is:
  - i) 100 hours community work;
  - ii) Supervision for 2 years with special conditions:
    - That you undertake the Newfala Rod Program.
    - That you are not to possess nor consume illegal drugs, and
    - That you undertake a cannabis abuse program as directed by a probation officer
8. You are to come back to the Supreme Court office at 4.00 pm this afternoon to be serve with the community work and the supervision orders.
9. You have 14 days to appeal this decision if you are not happy with it.

**BY THE COURT**

