

PUBLIC PROSECUTOR

- v -

JEAN PIERRE GOLGOL

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

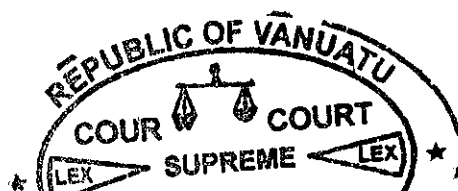
SENTENCE

Jean Pierre Golgol, you appear today for sentence. You are 53 years old and originally from Port Orly, East of Santo Island. You live and work at Botmas area, East Santo. 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 formal complaint was made against you for the offence of cultivation of Marijuana.
2. The offence occurred sometimes between May to November 2014. It occurred on Botmas area in Santo.
3. Police officers went to execute a search warrant at your house.
4. During the search the Police Officers found a pick container containing young seedlings of Marijuana plants. The plants were 3cm high.
5. When you were questioned about the young seedlings you told the Police that you plant some others in your garden.
6. The police upon receiving that information from you went and uproot 10 plants in your garden.
7. The eight of 5 plants are 9cm and others are at 180cm.



8. The plants were confiscated and kept by the Police.
9. The test result shows that the marijuana plants were cannabis. The weight of the marijuana was 1.1 kilograms.
10. You were cautioned and interviewed by the Police where you admitted the allegation made against you.

Cultivation of cannabis is a serious offence. It is against the law. It carries a maximum penalty of a fine of vatu 100 Millions or a term of imprisonment of 20 years or both a payment of fine and a term of imprisonment.

You must be punished for cultivating cannabis plants weighing 1.1 Kilograms of cannabis substance.

In your sentencing, I take into account of 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.

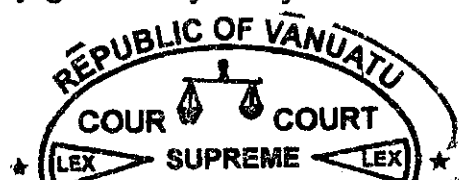
In the circumstance of this case, the starting point for sentence is a term of imprisonment of 12 month taking into account of the aggravating features.

The report shows that you referred to your current family relationship as a burden to you stress financial difficulties in raising your child with your defacto partner whom she has 6 children from her previous relationships. You stated that you tried your best with your partner's children in order for you to have education but expressed issues of lack of finance as a result of animals destroying your produce.

You have skills in farming, gardening, construction building and fishing. You are currently working as a farmer to sustain your growing family.

You further explained acknowledging it is unlawful to cultivate cannabis. You were making money from your produce as rats are investigating in your garden produce. You said you thought that this was your chance to make easy money so you can help your family.

In mitigation, you are 53 years of age. You are a first time offender. You plead guilty at the first time opportunity given to you by the court.



It is to your credit. You are therefore given a 1/3 reduction of the 12 months imprisonment term. I give you a further allowance of 1 month to reflect your good cooperation with the authorities.

On balance, you are sentenced to 8 months imprisonment which is suspended for a period of 12 months.

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

