

PUBLIC PROSECUTOR

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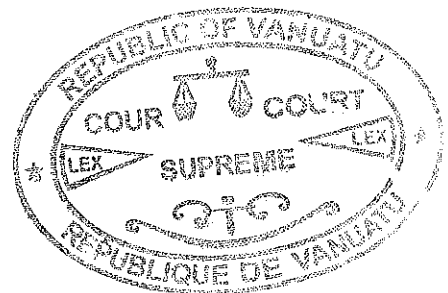
SANDY KELEP

Coram: *V. Lunabek – CJ*

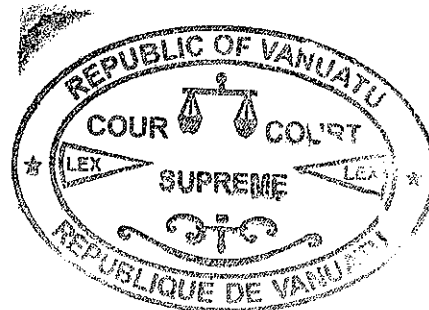
Counsel: *Mr Simcha Blessing for Public Prosecutor
Ms Linda Bakokoto for Defendant*

SENTENCE

1. Sandy Kelep on 30 August 2017, you entered a guilty plea on one count of cultivation of cannabis contrary to section 4 of the Dangerous Drugs Act [CAP 12].
2. Sometimes between the 1st of January 2015 and 24th November 2015, you cultivated 94 cannabis plants in your garden close to Rejar river. The cannabis were planted together with corn and cabbage.
3. Your father is the complainant in this case. He stated you got involved with cannabis since 2009 and you also smoked cannabis on regular basis.
4. Your father stated that your consumption of cannabis substance has changed your character. You swore and used abusive words to your family including your parents; you stole your parents' property including a pig on one occasion and you sell or trade them for cannabis.
5. Cannabis residue, dried cannabis materials were found in your house.
6. Your parents attempted on numerous occasions to talk to you out of it but you never listened and would almost always end up having an oral altercation.
7. Cultivation of cannabis is an offence as it is contrary to law.



8. The penalties imposed for this type of offending is ranging from a fine up to 100 millions Vatu and/or an imprisonment term sentence up to 20 years.
9. I have read and considered the prosecution submissions and submissions made by your lawyer on your own behalf. They both refer to the guideline Judgment of the Court of Appeal in Wetul – V- Public Prosecutor [2013] VUCA 26.
10. I also read and take into account of what is in the pre-sentence report.
11. I further consider the guideline judgment in this type of offending (Wetul –v- Public Prosecutor) referred to above.
12. In your case, you planted 94 cannabis plants in 2015 but you were involved with cannabis from 2009 to 2015. It was approximately 6 years. You are regularly in unlawful possession of cannabis substance as you are a habitual smoker of cannabis. You have destructive character whilst under the influence of cannabis. You have changed your character as you swear and utter abusive words to your family and towards your own parents. You stole your parents' property to sell or trade for cannabis.
13. Those are serious breaches of the law on the Dangerous Drugs Act.
14. I sentence you to 12 months imprisonment.
15. In mitigation, you are a young man of 23 years of age. You plead guilty at the first opportunity given to you by the court. You are entitled to one third reduction of your sentence of 12 months. Your remaining term sentence is 8 months.
16. I reduce it further by 1 month to take into account of the other mitigating factors in your favour.
17. Your end sentence is 7 months imprisonment.
18. The next question is whether I should suspend it. I decline to do so as the nature of your offending and the circumstances of your offending do not justify a suspension of your imprisonment sentence of 7 months.
19. You are ordered to serve 7 months imprisonment with immediate effect.



20. You have 14 days to appeal this sentence if you are unsatisfied with it.

Dated at Lakatoro, Malekula this 1st day of September 2017

BY THE COURT



Vincent LUNABEK
Chief Justice

