

PUBLIC PROSECUTOR- VS-MORGAN STEVEN MANSAK

Coram: *Mr. Justice Oliver A. Saksak*

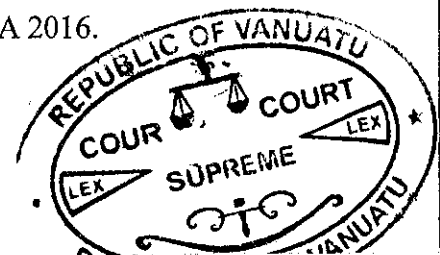
Counsel: *Betina Ngwele for Public Prosecutor*
Linda Bakokoto for Defendant

Date of Plea: *23rd October, 2017*

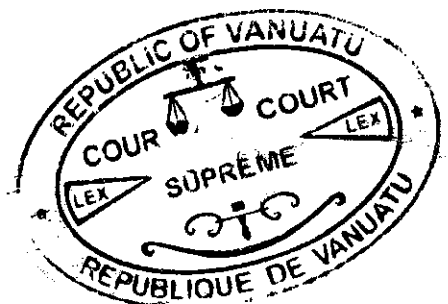
Date of Sentence: *24th October, 2017*

SENTENCE

1. Morgan Steven Mansak you are for sentence today after pleading guilty to one charge of unlawful cultivation of Cannabis plants yesterday.
2. On 1st January 2016 a complaint was lodged by the Chairman of the Council of Chiefs that you had planted cannabis plants in your garden. On 29th February 2016 Police Officer Abel Kiel attended your garden at Rerep Village and found Cannabis plants. They were uprooted and taken to the Police Station at Lakatoro for tests. They tested positive for cannabis. The quantity was 0.98 grams when weighed. You were arrested and upon questioning, you admitted to planting cannabis plants starting in 2015.
3. You have accepted those facts. You too must understand that Parliament has taken a very serious view of this offence by creating the maximum penalty at 20 years imprisonment and a fine of up to VT 100 million.
4. In considering an appropriate sentence for you I have taken account of the oral submissions of the prosecutor and the written submissions made by defence Counsel. I accept that the case of PP.v. Napau [2013] VUSC 21 and Taviti .v. PP [2016] VUCA 41 are distinguished in that the quantities of cannabis were 317.31 grams in the former and 145 grams in the latter, which warranted higher starting points.
5. I accept both Counsel's submissions that your offending falls within category 1 of the criteria set out by the Court of Appeal in Wetul.v. PP [2013] VUCA 2016.



6. I accept the Court should impose a sentence that would-
- a) Mark the seriousness of this offending.
 - b) Mark the Court's disapproval or condemnation of your offending,
 - c) Deter you and others from further offending, and
 - d) Punish you adequately.
7. I therefore convict you and sentence you to 12 months imprisonment as the starting point. I accept that you are entitled to a 1/3 reduction for your guilty plea which reduces your sentence of 12 months down to 8 months imprisonment.
8. For your other personal circumstances such as good cooperation with the police, your clean past record and your remorse, I deduct your sentence by a further 5 months, leaving the balance at 3 months imprisonment as an end sentence.
9. You have shown positive attitude to change and rehabilitation by getting involved in Youth activities and community services, in particular your desire to assist widows. You must be given the chance to rehabilitate yourself completely. For these, I order that your end sentence be suspended for a period of 1 year (12 months) from the date of this sentence.
10. This suspension is made pursuant to section 57 of the Penal Code Act. That means you must be of good behaviour within the next 12 months. You must not commit this offence again or any other offence for which you would be charged and convicted. If you do, your sentence will be activated and you will go to prison for 3 months.
11. The Prosecution has submitted an order for community service of 50 hours be imposed in addition. Like in Alick Karen Rangon's case, I decline to make the order the same reason there is no probation officer available in Court today to take charge of the order.



12. Again like in Rangon's case , I condemn the plants to destruction pursuant to section 18 (1) of the Dangerous Drugs Act [CAP.12]

DATED at Lakatoro this 24th day of October 2017

BY THE COURT


OLIVER A. SAKSAK

Judge

