

IN THE HIGH COURT OF FIJI
AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 169 OF 2008

BETWEEN :
THE STATE

AND :
TAIONE MELI

Counsel : Ms. S. Puamau for the State
Accused in Person

Date of Hearing: Friday 3rd April, 2009
Date of Sentence: Monday 1st June, 2009

SENTENCE

[1] Taione Meli, you have pleaded guilty to the following offence:

Statement of Offence

Unlawful Possession of Illicit Drug: Contrary to Section 5(a) of the Illicit Drug Control Act, 2004.

Particulars of Offence

Taione Meli, on the 23rd day of June, 2008 at Suva in the Central Division, without lawful authority, possessed 1.1 gram of Cannabis, an Illicit Drug.

- [2] I accept your plea of guilty and convict you accordingly. I am satisfied that your plea was freely and voluntarily made and that you understood the consequences of the plea.
- [3] The facts are that on 23 June 2008 at around 10.00am, you were arrested at the Suva Market and searched by a police officer. The police officer suspected that you were involved in a reported robbery. Upon searching you, the police officer found five rolls of dried leaves in your possession. The leaves were tested and found to be Cannabis. Under caution you admitted the offence.
- [4] You are 21 years old and reside with your father. Your parents are divorced. You work as a wheel barrow boy at the Suva Market.
- [5] Your father, Taione Meli Senior gave evidence on your behalf. Your father said in 2003 you left school. You attended Queen Victoria School (QVS). While in school you started taking drugs. After leaving school you did not return home. You returned home after one year. Your father said you have developed friendship with the wheel barrow boys at the Suva Market so that you can have easy access to marijuana which is readily available at the market. Your father believes that you are addicted to marijuana.
- [6] On 15 August 2008 and 10 November 2008, you were convicted of similar offences and given 3 months imprisonment sentences, respectively. You have served a total of 6 months imprisonment for similar offences.

- [7] Your father said that he noticed some changes in your behavior after you returned home from prison. He is concerned about your addiction to marijuana.
- [8] The Court shares similar concern. The relatively small quantities of marijuana found in your possession on different occasions show you are a user and may have developed an addiction to the drugs.
- [9] Under the Illicit Drugs Control Act 2004 the penalty for possession of marijuana, regardless of quantity, is a fine of \$1,000,000.00 or imprisonment for life or both. There is no rehabilitation programme available as a matter of sentencing option for an offender who is found in possession of marijuana because of addiction.
- [10] Drug addicts who are convicted of non-violent crimes need assistance to overcome addiction. There are so many social problems associated with drug addiction. Prison may be a short term solution for drug addicts. But to offer a long term solution to these problems, innovative drug treatment programmes need to exist for drug addicts. Some jurisdictions have established specialized Drug Court to implement and supervise substance abuse programmes for drug addicts with the assistance of a probation officer and other people who can help the offender. Of course, any establishment of drug treatment programmes requires policy consideration by the government.
- [11] Counsel for the State has advised the Court that presently the State do not have the services of professional counseling available for drug addicts in Fiji. This is a matter of concern.

[12] Before the Court is a younger offender who is an addict. He has previously been in prison for possession of marijuana. The prison has not deterred him. It is quite understandable why the prison has not deterred him. Apart from being in prison, he has not received any professional treatment to overcome his addiction to marijuana. With no such treatment available any further prison sentence will not deter him.

[13] In these circumstances, I impose a sentence of 3 months imprisonment suspended for 2 years. (*Suspended sentence explained*). The Court hopes that the Order suspending the sentence for 2 years will deter you from committing any further offence and to be of good behavior.

[14] Drugs to be destroyed within 14 days.

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Daniel Goundar
JUDGE

At Suva
1 June 2009

Solicitors:

Office of the Director of Public Prosecutions, Suva for the State
Accused - In Person