

**IN THE HIGH COURT OF FIJI AT SUVA**  
**CRIMINAL JURISDICTION**  
**Criminal Case No: HAC 146 of 2008**

STATE

v.

TUKAI TAURA

Hearing: 13<sup>th</sup> February 2009  
Sentence: 13<sup>th</sup> February 2009

Counsel: Ms J. Tuiteci for State  
Accused in person

**SENTENCE**

[1] Tukai Taura, you have pleaded guilty to one count of “unlawful possession of illicit drug” contrary to section 5(a) of the Illicit Drugs Control Act No. 9 of 2004. On the 19<sup>th</sup> of January 2007 at Lami you possessed, without lawful authority, 114.6 grams of cannabis, an illicit drug.

[2] The facts which you have agreed to are that on the 19<sup>th</sup> of January 2007 police officers stopped the vehicle of Panapasa Tikomaimaleya at a roadblock. You were a passenger in the vehicle. During a search of the vehicle you threw a parcel under the vehicle. It contained dried leaves. They were analysed and found to be cannabis sativa weighing 114.6 grams.

[3] Under caution you told the police that you were going to sell the drugs to buy school items for your children. You have 14 previous convictions. They include convictions for possession of dangerous drugs, act with intent to cause grievous harm and robbery with violence. You are a serving prisoner and expect to be released on the 14<sup>th</sup> of March 2009. You have taken part in prison rehabilitation programmes and

are a part of the Prison Fellowship. You have responded positively to these programmes. You are married and have two children both teenagers.

[4] The maximum sentence for being found in possession of illicit drugs is life imprisonment and/or a fine of up to \$1,000,000. The courts have developed their own tariffs for sentencing because of this very wide discretion. You are guilty of small-scale possession for a commercial purpose and the normal tariff for this offence is 2 to 4 years imprisonment. The lowest starting point of 2 years should be used where sales are limited and infrequent.

[5] In this case you say that this is the first time you have tried to sell drugs. There is no evidence that you are a habitual dealer, although you have been found in possession of drugs before. I start at 2 years imprisonment. After reducing for the mitigating factors I arrive at 18 months imprisonment. I reduce that further to 12 months for the guilty plea. Because you are about to be released from prison in any event and have only a few weeks left of your last sentence, I order that the 12 month term be served concurrently with your present term.

Nazhat Shameem  
**JUDGE**

At Suva  
13<sup>th</sup> February 2009