

MOHAMAD ARIF BIN MOHD JAWI

AND

PUBLIC PROSECUTOR

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(Court of Appeal of Brunei Darussalam)  
(Criminal Appeal No. 10 of 2016)

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Before: Mortimer P, Leonard and Burrell JJ A.  
17<sup>th</sup> November 2016

Appellant in person  
DPP Sharon Yeo Mian Yie for Respondent

**Leonard, JA.:**

This is an appeal against sentence. On the 20<sup>th</sup> of April, 2016 the appellant was convicted after a trial before Dato Seri Paduka Hj Kifrawi, C.J. on a charge of having in his possession for the purpose of trafficking 74.9108 grammes of Methylamphetamine in contravention of section 3A of the Misuse of Drugs Act, Chapter 27.

The sentence imposed by the Chief Justice on the appellant, who had no previous convictions, was 25 years' imprisonment and 15 strokes.

The range of penalties provided for possession for the purpose of trafficking of Methylamphetamine extends from a minimum of 20 years' imprisonment and 15 strokes where the quantity of the drug possessed is not less than 40 grammes and a maximum of 30 years and 15 strokes where the quantity is not more than 100 grammes. The sentence imposed cannot fairly be criticised.

The grounds of appeal advanced by the appellant amount to an expression of remorse, a promise not to reoffend and a plea for mercy. The appellant is concerned for his wife and his elderly parents if left for a long time without his support.

Had the appellant admitted the offence at the first opportunity and pleaded guilty he would have been entitled to hope for a lesser sentence but he chose to plead not guilty and to make serious allegations that the drugs had been planted by the police. In the circumstances his expressions of remorse and regret do not ring true. It is a sad fact that the imprisonment of a convicted person can bring hardship to his dependants but that is not a matter which the court will normally take into account. No good reason has been shown for a reduction in sentence.

Order. The appeal is dismissed.

Mortimer, P.

Leonard, J.A.

Burrell, J.A