

ROSLINA BINTI HAJI IBRAHIM

AND

PUBLIC PROSECUTOR

**(High Court of Brunei Darussalam)
(Criminal Appeal No 44 of 2015)**

**Steven Chong, J.
24th March 2016**

Criminal law – Drug consumption – Second offender – Minimum sentence prescribed

Appellant unrepresented

DPP Amiriah Binti Haji Ali for the Public Prosecutor/Respondent

Cases cited:

Abdul Latif bin Hj Ismail v Public Prosecutor [2000] 2 JCBD 115

Bin Abdullah v Public Prosecutor [2001] 1 JCBD 186.

Steven Chong, J.:

On 10 November 2015 in the Magistrate's Court the appellant pleaded guilty to the consumption of methylamphetamine contrary to section 6(b) of the Misuse of Drugs Act.

Magistrate Dewi Norlelawati Binti Haji Abdul Hamid sentenced the appellant to 3 years' imprisonment.

The appellant appeals against that sentence.

Shortly stated the admitted facts were that on the afternoon of 18 March 2015 at the Narcotics Control Bureau the appellant was detained by narcotics officers on suspicion of drug activity. No drug was found on the appellant but her urine sample upon analysis contained methylamphetamine. The appellant was previously convicted of drug consumption in contravention of section 6(b) in 2009.

The prior conviction of the appellant triggered the operation of section 29(3A) of the Misuse of Drugs Act which prescribed a minimum sentence of 3 years' imprisonment for a second or subsequent offence against section 6(b).

A sentence of 3 years is the norm for a second offender under 6(b) on a guilty plea: *Abdul Latif bin Hj Ismail v Public Prosecutor [2000] 2 JCBD 115, per Roberts, C.J at 116.*

The lapse of 6 years between convictions, by itself, cannot justify the non-imposition of the mandatory minimum sentence of 3 years: *Mohd Rosdy Bin Abdullah v Public Prosecutor* [2001] 1 JCBD 186.

There is no merit in the appeal and it is dismissed accordingly.

DATO STEVEN CHONG WAN OON
High Court, Judge