

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Criminal Case No.18/800

PUBLIC PROSECUTOR VS- ORAN IAN

Coram: Mr. Justice Oliver A. Saksak

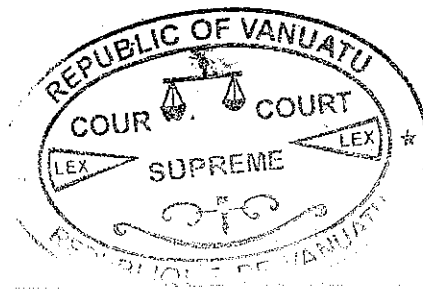
*Counsel: Laura Lunabek for the Public Prosecutor
Linda Bakokoto for Defendant*

Date of Plea: 4th April 2018

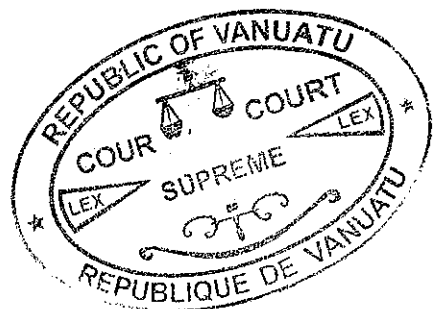
Date of Sentence: 22nd May 2018

SENTENCE

1. Oran Ian you are for sentence today for having pleaded guilty to one charge of possession of marijuana or cannabis drugs contrary to section 2(62) of the Dangerous Drugs Act [Cap. 12]. This is a serious offending as it carries a maximum penalty of a fine not exceeding VT 100 million or 20 years imprisonment or to both.
2. On 7th October 2017 at the Domestic Airport in Port Vila you were discovered with 653.98 grams of cannabis inside a box which you carried with you at the time. Although you admitted carrying the box you told the police that you had received the carton from an old man at Port Quime by the name of Mark. You told the police that Mark's instruction to you was to sell the cannabis and buy a spade. You said the old man told you that the carton contained cannabis. And you said you took them for your personal use. The police took the leaves and weighed them. They tested the material and found them to be cannabis substances.
3. Clearly you knew the substance was cannabis. They were clearly found in your possession. Whether or not you intended to sell them does not matter. The quantity was larger than the quantities found in the cases of PP.v. Sope [2004] VUSC 62, PP.v. Bule [2008] VUSC 91, PP.v. Wayane [2004] VUSC 3 and Tukoro.v. PP [1999] VUCA 9 cited by the Public Prosecutor. And certainly your case is more serious than the case of PP.v. Napau [2013] VUSC 31 cited by defence counsel.



4. I consider that the most appropriate punishment for you is to be a custodial sentence and the starting point shall be 5 years imprisonment with no uplift. This is to serve as-
 - a) A deterrence for you and other like-minded persons,
 - b) Mark the seriousness of your offending,
 - c) Mark public disapproval for your action,
 - d) Protection of the society, and
 - e) Punish you adequately.
5. I therefore convict you and sentence you to a starting sentence of 5 years imprisonment.
6. In mitigation I take note of your character and personal history in your pre-sentence report, but in particular the fact you have a clean past record, that this is your first offending against the drugs law, that you cooperated well with the police drugs investigations and that you are sorry for what you did. For these, I deduct a period of 1 year(12 months). The balance is 4 years imprisonment.
7. I reduce your remaining 4 years by $\frac{1}{3}$ for your guilty plea at first opportunity. 1 year and 4 months are deducted leaving the balance 2 years and 8 months as your end sentence.
8. Your end sentence of 2 years and 8 months imprisonment is suspended for a period of 2 years from the date of this sentence. This suspension is made under section 57 of the Penal Code Act. This means you do not have to go to prison today but will remain in the community, but on the strict condition that you do not commit this offence again or any other offences for which you would be charged and convicted. If you do, you will go to prison to serve your 2 years and 8 months.
9. In addition I order that you perform community work for 150 hours within the next 12 months.



10. That is the sentence of the Court. You have a right of appeal within 14 days if you are not happy with this sentence.

DATED at Port Vila this 22nd day of May 2018

BY THE COURT


OLIVER.A.SAKSAK

Judge

