

BETWEEN: Public Prosecutor

AND: Zepherin Malesu
Defendant

Date: 22 June 2020
By: Justice G.A. Andrée Wiltens
Counsel: Mr T. Karae for Public Prosecutor
Ms L. Bakokoto for the Defendant

SENTENCE

A. Introduction

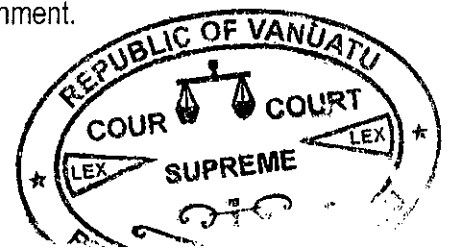
1. Mr Malesu pleaded guilty to possession of 97 grams of cannabis. The maximum penalty for such offending is 20 years imprisonment, or a fine of up to VT 100 million.

B. Facts

2. On 15 February 2020, Mr Malesu was seen at the LC Urata Head Office at Stade area, Port Vila with a 25kg bag of rice. He was stopped and searched.
3. Inside the bag of rice police located 2 packages containing suspected cannabis. The contents were weighed and found to weigh 97 grams. The contents were also tested and confirmed to be cannabis.
4. Mr Malesu admitted the packages contained cannabis. He explained that his friend Roger Iauko had dropped him off there to collect the contraband for him.

C. Sentence Start Point

5. There are no aggravating or mitigating factors to this offending.
6. Due to the quantity of drugs possessed, and the nature of Mr Malesu's offending as a mere courier picking up the contraband for his friend, the appropriate start point is 12 months imprisonment.



D. Mitigation

7. Mr Malesu is 28 years old, with no previous convictions. He has carpentry skills and was employed with a Construction Company until his arrest. He is currently unemployed, and is living with a de facto partner who has 5 children of her own.
8. Mr Malesu co-operated with the police. He is said to be remorseful.
9. He has spent 2 months 10 days in custody prior to being sentenced.
10. For his personal factors, I reduce the sentence start point by 6 months.

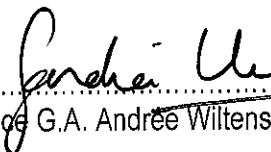
E. Plea

11. Mr Malesu pleaded guilty at the first available opportunity. However the prosecution case against him is that he was caught red-handed, and really had no option but to plead. Accordingly, I am prepared to reduce the sentence start point by 25% for his prompt guilty plea – by a further 1.5 months.

F. End Sentence

12. The end sentence that I impose is one of 4.5 months imprisonment, back-dated to 12 April 2020. He has effectively already served that term, and accordingly he may be released immediately.
13. Mr Malesu has 14 days to appeal this sentence if he disagrees with it.
14. The drugs are to be destroyed.

Dated at Port Vila this 22nd day of June 2020
BY THE COURT


Justice G.A. Andrée Wiltens

