

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

Criminal  
Case No. 20/2038 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Fransisco Kalo

*Date:* 10 August 2020  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr P. Toaliu for Public Prosecutor  
Mr H. Rantes for Mr Kalo

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**SENTENCE**

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A. Introduction

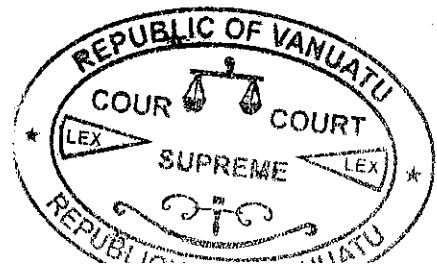
1. Mr Kalo pleaded guilty to possession of dangerous drugs.

B. Facts

2. In September 2018, Mr Kalo's home was searched in relation to home brew – nothing of that nature was located. Instead, a wrapped parcel was located in a basket. The parcel contained some dried cannabis leaves, which Mr Kalo subsequently admitted was his. The cannabis weighed 22.28 grams.

C. Sentence

3. The sentence start point is arrived at by looking at (i) the maximum sentence prescribed by law and (ii) then considering the aggravating and mitigating features of the offending. That is step one.
4. Once the start point has been determined, then step two requires the factors personal to Mr Kalo be taken into account in arriving at the end sentence.



D. Maximum Sentence

5. The maximum sentence for the possession of cannabis is 20 years imprisonment and/or a fine of up to VT 100 million.

E. Aggravating and Mitigating Factors of the Offending

6. There are no aggravating factors that need to be taken into account in setting the sentence start point. The mitigating aspects of the offending are that the charge relates to simple possession, and the quantity is relatively small.

F. Sentence Start Point

7. I set the appropriate sentence start point at a modest 10 months imprisonment. That said, there is no requirement or intention to incarcerate Mr Kalo.

G. Personal Factors

8. Mr Kalo pleaded guilty at the first available opportunity. His sentence is accordingly reduced by 25% for this factor.
9. Mr Kalo is still relatively young, at 21 years of age currently. He has good relations with his family, the community and the Catholic Church. He also co-operated with the police when first contacted in relation to this matter.
10. He has no previous convictions, and explained that the cannabis was for his personal consumption.
11. For his personal factors I reduce the sentence start point by a further 4 months.

H. End Sentence

12. Mr Kalo is convicted and sentenced to 100 hours of Community Service.

I. Other

13. Mr Kalo has 14 days to appeal this sentence if he disagrees with it.
14. The drugs are to be destroyed.

Dated at Aneityum this 10th day of August 2020  
BY THE COURT

  
Justice G.A. Andree Wiltens

