

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

Criminal
Case No. 20/479 SC/CRML

BETWEEN: Public Prosecutor

AND: Richy Quari
Defendant

Date: 11 March 2020
By: Justice G.A. Andrée Wiltens
Counsel: Mr D. Boe for the Public Prosecutor
Mr J. Garae for the Defendant

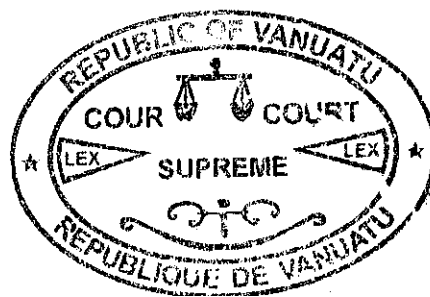
SENTENCE

A. Introduction

1. Mr Quari pleaded guilty to one charge of possession of cannabis. The maximum sentence for that offence is a term of 20 years imprisonment. It is a serious offence.

B. Facts

2. Mr Quari is a taxi driver. He was called to pick up some passengers at Pekoia Airport, Luganville on 4 February 2020. On arrival at the airport he noticed numerous Police Officers – they had been tipped off about the arrival of a consignment of cannabis.



3. Mr Quari's passengers soon got into his taxi, but they acted suspiciously. When asked why, the passengers told him they were anxious about the police presence.
4. Mr Quari made his passengers alight from the taxi – he did not trust them.
5. However, while getting out of the taxi, one of the passengers gave Mr Quari a large parcel which he asked Mr Quari to conceal from the police under the driver's seat of his taxi. Mr Quari foolishly agreed to do this, but he was soon apprehended by the police and the drugs were seized.
6. Upon weighing the cannabis, it was found to be contained within the large parcel in numerous (50 more so) smaller foil-wrapped parcels. The total net weight of the cannabis was 55.56 grams.

C. Aggravating/Mitigating Factors to the Offending

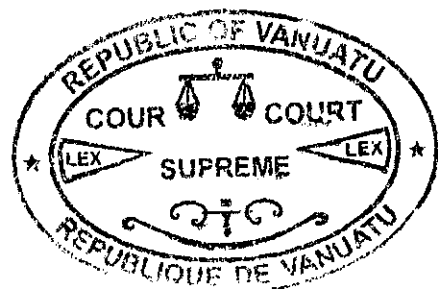
7. The aggravating factors to the offending are that this was quite deliberate, and done with a view of aiding criminals avoid police detection and to facilitate the safe transfer of their drugs.
8. There are no mitigating factors to the offending.
9. The start point that I adopt as appropriate for this offending, had Mr Quari been responsible for the drugs would have been imprisonment. Despite the implausibility of the explanation, it has been accepted by the prosecution. On that basis, I consider the offending is worthy of a significant fine.

D. Personal Factors

10. Mr Quari operates a taxi business. He has a reasonable income from that. He is now 28 years of age and resides with his de facto partner. He has no previous convictions, and he has pleaded guilty promptly. He was incarcerated for 2 weeks as a result of this case.
11. Mr Quari also agrees to be a witness for the prosecution when the passengers being charged for this offending – he has to date co-operated by naming those individuals.

E. Sentence

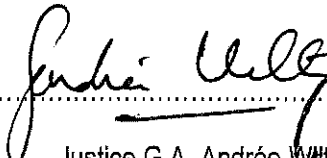
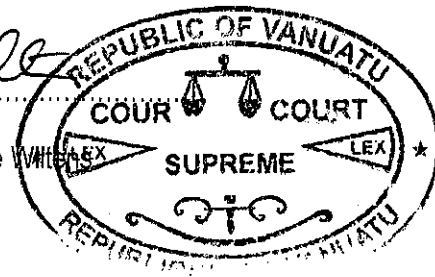
12. I was considering a fine of VT 100,000. However there are good mitigating factors, recited above, which enable me to reduce that to a fine of VT 25,000, which is to be paid within 7 days.
13. The drugs seized are to be destroyed. The cash found with the drugs is to be forfeited to the Government.



14. Mr Quari has 14 days in which to appeal this sentence if he does agree with it.

DATED at Luganville this 11th day of March 2020

BY THE COURT


Justice G.A. Andrée 

The seal of the Supreme Court of Vanuatu is circular. The outer ring contains the text "REPUBLIC OF VANUATU" at the top and "REPUBLIC OF VANUATU" at the bottom. Inside the ring, the words "COURT" and "COURT" are positioned on either side of a central scale of justice. Below the scales, the word "SUPREME" is written in a larger font. On the left and right sides of "SUPREME", the word "LEX" is written inside small triangular shapes. At the bottom of the seal, there is a decorative flourish.