

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

Criminal
Case No. 22/1309 SC/CRML

PUBLIC PROSECUTOR

v

EUSEBIO RORY

Date: 17 August 2022
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr P. Sarai
Defendant – Mr L. Malantugun

SENTENCE

A. Introduction

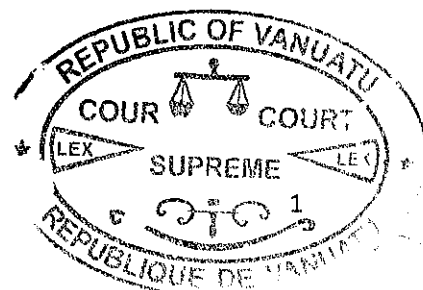
1. Mr Rory pleaded guilty to possession of cannabis. He is convicted on his own plea and the admitted facts.

B. Facts

2. On 17 February 2022 at Etas zone 9 area, the Police searched Mr Rory's house. They found 35 grams of packed marijuana plant rolls inside a plastic bag in Mr Rory's house.

C. End Sentence

3. The maximum penalty for this offence is 20 years imprisonment and/or a fine of up to VT 100 million.
4. The cannabis was for personal use only without any sale involved therefore the offending is within the lower end of the scale of the first category in *Wetul v Public Prosecutor* [2013] VUCA 26.
5. He is 40 years old, with no previous convictions. He is married and has 3 children. He is self-employed, operating a kava bar business.



6. Mr Rory co-operated with the police. He pleaded guilty at the first opportunity. I accept that he is remorseful. He has participated in a custom reconciliation ceremony with his wife and family, which was accepted.
7. Given that Mr Rory has already served 2 weeks in custody (18 February 2022 to 3 March 2022; an effective sentence of one month imprisonment), he is sentenced to complete 40 hours of community work within the next 12 months and ordered to complete 6 months of supervision, including attending any drug awareness and rehabilitation programs required of him by the Department of Correctional Services.
8. The drugs are to be destroyed.
9. Mr Rory has 14 days to appeal this sentence.

**DATED at Port Vila this 17th day of August 2022
BY THE COURT**

VM Tref

Justice Viran Molisa Tref

