

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

**Criminal
Case No. 23/897 SC/CRML**

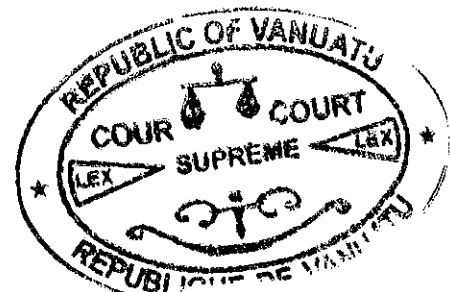
BETWEEN: Public Prosecutor

**In his AND: George Tavuti
Defendant**

Date of PLEA: 10th July 2023
Date of Sentence: 20th July 2023
Before: Justice Oliver Saksak
In Attendance: Mr Greogory Simeon for the Public Prosecutor
Mr Lent Tevi for the Defendant

SENTENCE

1. George Tavuti pleaded guilty to one charge of cultivation of cannabis and is here for sentence today.
2. Section 2 (62) of the Drugs Act [CAP 12] prohibits cultivation of cannabis. The maximum penalty is a fine not exceeding VT 100 million or imprisonment of up to 20 years. These penalties show that this is a very serious offence.
3. The defendant is a 33 year old man residing and working as a mechanic at Freshwater plantations, on Aore. He planted a total of 35 cannabis plants. On 26 December 2022 the Police went to the defendant's residence on Aore Island and arrested him following a domestic violence complaint. In the process the police discovered the plants and uprooted them and returned to the police station for testing. They were tested positive and the total net weight was 1.40kgs.
4. In his police statement the defendant freely admitted planting the 35 cannabis plants which were 4 months old. He stated he planted them purely for medicinal purposes for use by his parents.
5. His offending falls within category 2 as laid down by the Court of Appeal in Wetul v PP [2013] VUCA 26. It warrants a short custodial sentence.



6. Taking all the aggravating features together with his mitigating circumstances and the seriousness of the offending, I adopt the start sentence of 2 years imprisonment.
7. The defendant was convicted in the Magistrate Court on 9th March 2023 for a domestic violence charge and sentenced to 3 months imprisonment suspended for 18 months. This sentence is now activated. The defendant will now go to prison to serve his 3 months imprisonment.
8. In mitigation I accept he is entitled to 1/3 reduction for guilty plea, 8 months are deducted from the start sentence of 2 years leaving the balance to be 1 year 4 months.
9. I have seen his pre-sentence report showing his character and personal history. I will deduct a further 6 months from the balance of 1 year and 4 months. He end sentence shall be 10 months imprisonment.
10. In therefore convict and sentence the defendant to an end sentence of 10 months imprisonment. This is added to the 3 months imprisonment for domestic violence. He has a total of 13 months imprisonment.
11. This sentence is to take immediate effect but in view of his suspended sentence, it is backdated to 9th March 2023.
12. The Court condemns the substance held by the Police to immediate destruction.
13. There is a right of appeal within 14 days.

DATED at Luganville this 20th day of July 2023

BY THE COURT


OLIVER.A.SAKSAK

Judge

