

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

**Criminal
Case No. 23/898 SC/CRML**

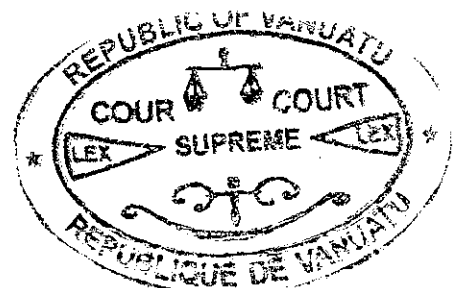
BETWEEN: Public Prosecutor

**AND: Roisil Philip
Defendant**

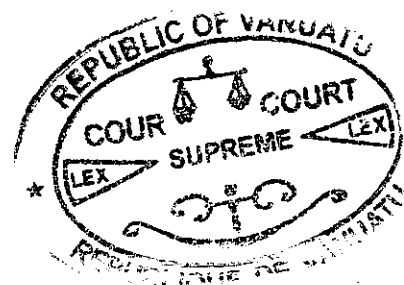
Date of PLEA: 10th July 2023
Date of Sentence: 21st July 2023
Before: Justice Oliver Saksak
**In Attendance: Mr Greogory Simeon for the Public Prosecutor
Mr Steven Garae for the Defendant**

SENTENCE

1. Roisil Philip pleaded guilty to one charge of unlawful possession of cannabis and is here for sentence today.
2. Possession of cannabis is prohibited by law and carries the maximum penalty of imprisonment of up to 20 years and/or a fine of up to VT 100 million. These penalties show that this offence is serious.
3. The defendant is a 19 year old boy from Malekula residing at Nalivukaivanua Village, East Malo at the time. On 10th March 2023 the Police had received a domestic violence call and attended the scene. They arrested the defendant at Banban and searched his person and possession and found cannabis substance wrapped in aluminum foil in a pencil case with 100vt coins and 200vt notes. Searching further the Police found other packages in a grey shopping bag and a black hand bag. These were taken and tested and proved to be cannabis. The total net weight was 1.10 kg.
4. The defendant admitted freely to the police that the cannabis were his. He admitted in his police statement that he planted the cannabis on Malo and after having an issue with his father who told him to leave the house, he harvested the plants and went to live at Banban where he sold some of the cannabis and smoked some as he waited to go to the Banks to see his sister.



5. There are no mitigating circumstances. But there clearly were aggravating features. Although he is young he knew the plants were cannabis. He planted them for the purposes of sale to others and for personal use as well. He carefully packaged them and sold them for his financial benefit.
6. His offending falls within category 2 as laid down by the Court of Appeal in Wetul v Public Prosecutor[2013] VUCA 26 but very much at the lower end of the scale.
7. Taking all the aggravating features together with the seriousness of the offence into account, I adopt a start sentence of 2 years imprisonment.
8. In mitigation, first his guilty plea for which he is entitled to 1/3 reduction which is 8 months. The balance is 1 year and 4 months.
9. For remorse, previous clean record and pre-custodial period with other personal factors he is entitled to a further reduction of 4 months, leaving the end sentence to be 12 months or 1 year.
10. The sentence is however to be suspended for a period of 2 years on good behaviour under section 57 of the Penal Code Act. This means the defendant must not commit this offence again or any other criminal offences within 2 years for which he would be charged and convicted. If he does, he will go to prison for 12 months.
11. As a young offender he must be given a chance to rehabilitate. He is therefore to be placed under the supervision of the Probation Services for a period of 2 years for which his suspension is effective.
12. He has a right to appeal this sentence within 14 days.



13. Finally the substance held by the Police is hereby condemned to destruction.

DATED at Luganville this 21st day of July 2023

BY THE COURT


OLIVER.A.SAKSAK

Judge

