

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

Criminal  
Case No. 23/33 SC/CRML

**PUBLIC PROSECUTOR**

**V**

**MALCOLM IAKOVIL**

**Coram:** *Hon. Chief Justice V. Lunabek*

**Counsel:** *B N Tamau for the State*  
*K B Karu for the Defendant*

**Date of Plea:** *27 February 2023*

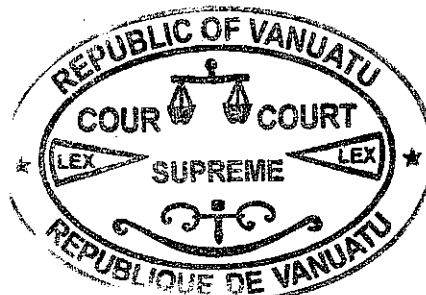
**Date of Sentence:** *26 May 2023*

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**SENTENCE**

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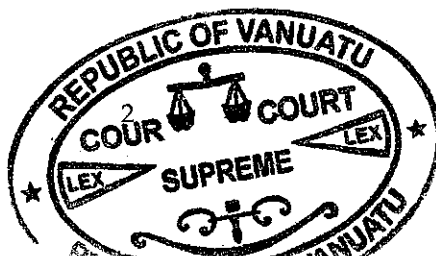
1. Mr Malcolm Iakovil, you appear for sentence having being pleaded guilty to one count of possession of cannabis, contrary to Section 2(62) of the Dangerous Drugs Act [CAP. 12].
2. You are a young man of 22 years of age at the time of the offending. You accepted the facts provided by the Prosecution.
3. The complainant in this case against you is Chelsea Vuke, a police officer stationed in Port Vila.
4. The complainant made a report to the Police on 26 December 2022, alleging that on that said date, during their police operation patrol, they suspected that you had marijuana in your possession.
5. The complainant as a police officer is working under the General Duty Unit. She was part of a mobile patrol operation around Port Vila on 26 December 2022. The complainant's patrol team drove to Namba Tu Area in a police truck. The patrol team spotted 3 young boys and decided to stop and approached them. You were one of them.



6. This was around 7:25PM. The complainant spotted you from the two other boys. She noticed that you were holding on to a substance. She also noticed that you were rubbing your fingers with the substance. The complainant then asked you to hand over the substance.
7. On the same date, the complainant then took the alleged marijuana substance to the Police Station. She covered the substance with an orange paper and packaged the substance and completed a Chain of Custody form and handed the evidence to the Operation Investigation Team.
8. On 27 December 2022, you were cautioned by PC Jackie Lui. You admitted the offence.
9. The cannabis substance was examined and tested positive for cannabis. It was a total weight of 0.23 grams.
10. The maximum penalty for the offence of possession of cannabis is a fine not exceeding VT100 million or a term of imprisonment not exceeding 20 years or both.
11. Apart from the weight of the cannabis substance of 0.23grams as an aggravated factor, there is no personal mitigating factors to the offending.
12. A sentence start point could be a small amount of fine but no submission is made and no consideration of your financial means and capacity are put forward by submissions of counsel.
13. There is no pre-sentence report filed despite the Court orders to that effect.
14. I consider that you are a first time offender. You have a clean record. I consider your young age of 22 years and that you are a single man living with your parents.
15. I consider you entered a guilty plea at the earliest opportunity given to you by the Court.
16. I consider that you were remanded in custody on 31 December 2022 and you were released on bail on 27 February 2023. You have already spent more than one month in custody which is equivalent to an effective sentence of more than 2 months imprisonment.

### Sentence

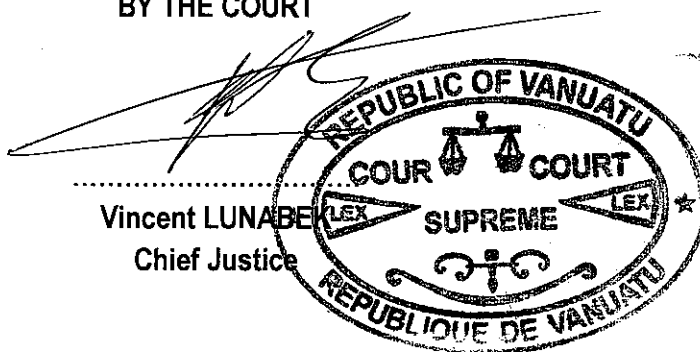
17. I sentence you to 6 months probation under conditions that you participate to the program of alcohol and drugs awareness and any other programs that the probation officer considers appropriate for your own circumstance.



18. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts at the date of this sentence i.e. 26 May 2023.

Dated at Port Vila, this 26<sup>th</sup> day of May 2023

BY THE COURT



Vincent LUNABE  
Chief Justice