

**BETWEEN:** Public Prosecutor

**AND:** Junior Kalo  
Defendant

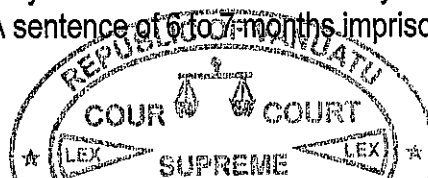
Date: 29<sup>th</sup> May 2023  
By: Justice R.L.B Spear  
Counsel: Mr J Aru for the Public Prosecutor  
Ms F Kalsakau for the Defendant

---

**SENTENCE**

---

1. The defendant pleaded guilty on 2<sup>nd</sup> May 2023 to a charge of Unlawful Possession of Cannabis contrary to sections 62 and 17 of the Dangerous Act [CAP 12].
2. There is no dispute as to the facts of this matter. The defendant was apprehended at a local night club around 11pm on 18<sup>th</sup> January 2023 as he was suspected of being in possession of cannabis. The police searched the defendant and found that he was in possession of 101.5 grams of cannabis. The cannabis was wrapped in tin foil.
3. There is no suggestion that the defendant had possession of the cannabis for the purposes of selling it or supplying it to others. He is for sentence solely on the basis that he was in possession of the cannabis without further aggravating features.
4. That notwithstanding, this is an offence considered quiet seriously by Vanuatu Courts given that the maximum penalty is a fine not exceeding VT1, 000, 000 or a term of imprisonment not exceeding 20 years or both.
5. It is acknowledged that the defendant cooperatde with the police, admitted the offending and entered a guilty plea at the first reasonable opportunity. I accept Mr Aru's argument that he only had no option but to plead guilty as he was caught "red handed". However, the reality is that he had saved the State the cost of a trial and demonstrated that he is prepared to face up to his offending.
6. I note that the defendant has no previous convictions. Furthermore, he spent some 3 months and 11 days on remand in custody which broadly equates to a sentence of 6½ months imprisonment.
7. I consider that the remand in custody would have been a salutary lesson to the defendant and hopefully provided him with a wakeup call. A sentence of 6 to 7 months imprisonment for possession of a relatively



modest amount of cannabis could be considered close to appropriate sentence in itself. Certainly, it convinces me that there is no need for the defendant to be returned to custody for a term of imprisonment. Accepting that the defendant has effectively already served a of 6½ months, a return to custody would only be for a very short period of time at the most.

8. It can only be hoped that the defendant appreciates that if he offends in this way again then his current clean record with no previous convictions will not be available and this conviction will be treated as an aggravating feature for sentencing purposes.
9. The defendant is sentence to 100 hours community work.
10. You have 14 days to appeal this sentence if you do not agree with it.

Dated at Port Vila this 29<sup>th</sup> day of May 2023

BY THE COURT

  
Justice R.L.B Spear

