

PUBLIC PROSECUTOR

v

JOSEPH TOA MALA

Date: 5 September 2024  
Before: Justice V.M. Trief  
Counsel: Public Prosecutor – Ms M. Tasso  
Defendant – Mr S.G. Junior

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**SENTENCE**

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A. Introduction

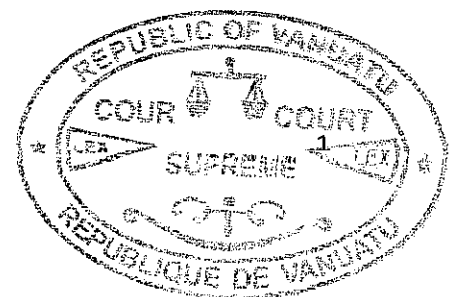
1. The Defendant Joseph Toa Mala pleaded guilty to unlawful possession of 27.818 grams of cannabis contrary to subs. 2(62) of the *Dangerous Drugs Act* [CAP. 12]. He is convicted on his own plea and the admitted facts.

B. Facts

2. Mr Mala committed the offending on 7 June 2024 at Luganville on Santo island. Police officer Arnold Tari chased Mr Mala when he ran away on seeing Officer Tari. When Officer Tari caught Mr Mala, he searched him and found a black bag in Mr Mala's possession which contained substances wrapped in paper. These were tested and confirmed to be cannabis weighing 27.818 grams. Mr Mala admitted his offending to the Police.

C. Sentence Start Point

3. The maximum penalty for this offence is 20 years imprisonment and/or a fine of up to VT100 million.



4. The cannabis was for personal use only without any sale involved, and the quantity is relatively small, therefore the offending is within the lower end of the scale of the first category in *Wetul v Public Prosecutor* [2013] VUCA 26.

5. I set the sentence start point at 10 months imprisonment.

D. Personal Factors

6. Mr Mala pleaded guilty at the first opportunity. He cooperated with the Police. I deduct 30% from the sentence start point for the early guilty plea.

7. Mr Mala is 23 years old, with no prior convictions. He is single and lives with his parents. He is a Year 10 leaver. He makes a living from gardening including cutting timber and selling dry kava. He has a good relationship with his family and community. A further 10% is deducted from the sentence start point for Mr Mala's personal factors.

8. Mr Mala has been held in custody since 5 August 2024 – effectively 2 months imprisonment. Accordingly, a further 2 months is deducted from the sentence start point.

E. End Sentence

9. Taking all of those matters into account, the end sentence imposed is 4 months imprisonment. Given Mr Mala's previous clean record, his offending was at the lower end of the scale and his good prospects of rehabilitation, the sentence is suspended for a period of 12 months. Mr Mala is warned that if he is convicted of any offence during the next 12 months, that he will be taken into custody and serve his sentence of imprisonment, as well as the penalty imposed for the further offending. Given the suspension of sentence, Mr Mala is to be released from custody today.

10. In addition, Mr Mala is to complete 60 hours of community work within the next 12 months.

11. The drugs are to be destroyed.

12. Mr Mala has 14 days to appeal this sentence.

**DATED at Port Vila this 5<sup>th</sup> day of September 2024  
BY THE COURT**

  
Justice Viran Molisa Trief

