

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

Criminal  
Case No. 24/1663 SC/CRML

**PUBLIC PROSECUTOR**

**v**

**SLYVIE BONG**

*Date of Plea:* 17 June 2024

*Date of Sentencing:* 13 September 2024

*Before:* Justice M A MacKenzie

*Counsel:* Mr L Young for the Public Prosecutor

Mrs K Karu (Holding papers for Ms B Taleo) for the Defendant

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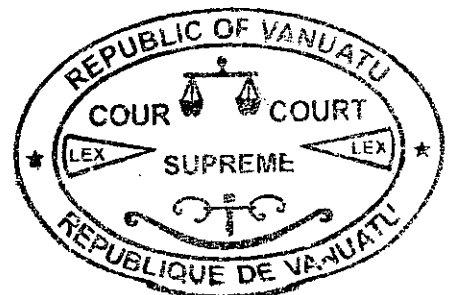
**SENTENCE**

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1. Sylvie Bong, you appear for sentence having pleaded guilty to one charge of possession of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

**The Facts**

2. On 3 May 2024, you surrendered a bag of dried cannabis to police. It had a net weight of .80kg.
3. When spoken to by police under caution, you admitted having cannabis in your house. Your husband had planted cannabis for his use. He went to New Zealand and asked you to look after them. When you heard police were coming, you removed the cannabis plants from the garden, and hid them in the house.



### Sentencing purposes/principles

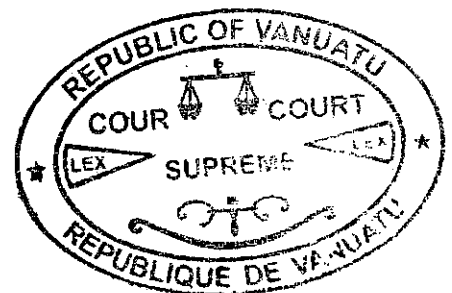
4. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were in possession of cannabis. Cannabis is an illegal drug which causes social harm. The sentence should ensure you take responsibility for your actions and help you to rehabilitate. It must also be generally consistent.

### Approach to sentence

5. Sentencing involves 2 separate steps; *Jimmy Philip v Public Prosecutor* [2020] VUCA 40, which applied *Moses v R* [2020] NZCA 296.

### Starting point

6. The first step is to set a starting point, with reference to the maximum penalty and the aggravating and mitigating features of the offending.
7. The aggravating factors are the quantity of cannabis, being .80 kg, and the attempt to conceal the cannabis.
8. There are no mitigating features of the offending itself.
9. There is a guideline case for cannabis cultivation, *Wetul v Public Prosecutor* [2013] VUCA 26. It also applies to possession of cannabis.
10. Here, the offending involves a high amount of cannabis for personal use. There is no evidence of commerciality here though. Therefore, it falls within Category 1 of *Wetul*.
11. The prosecutor submits that a starting point of 18 months imprisonment is appropriate. In the written submissions, Ms Taleo submits that a starting point of 12 months imprisonment is appropriate. I cannot agree with that submission, when I consider the circumstances and the starting point adopted in *Public Prosecutor v Raptick*[2023] VUSC 226. *Raptick* involved 8 packages of cannabis with a net weight of 102.6 g. The starting point was 12 months imprisonment. The starting point here should be higher than 12 months given the greater quantity of cannabis.
12. I adopt a starting point of 18 months imprisonment.



### **Guilty plea and personal factors**

13. While you pleaded guilty at an early opportunity, I agree that the discount should be 25 percent. The case against you was overwhelming and there was no option but to plead guilty. That is 4.5 months.
14. You are aged 38 years and are from Ambrym. You are a first offender. You have a partner and a 9 year old child. You shoulder a lot of the family responsibility as your partner works overseas. You make a living from farming. You cooperated with police.
15. For these factors, I reduce the starting point by 2 months imprisonment.
16. You were remanded in custody between 4-23 May 2024, 19 days, an effective sentence of 6 weeks imprisonment. The sentence is to be further reduced by 6 weeks imprisonment.

### **End Sentence**

17. The end sentence is 10 months imprisonment.
18. Taking into account the circumstances, the nature of the offending and your character, I have decided to suspend the sentence pursuant to s57 of the Penal Code for 18 months. First, this is because you were in possession of the cannabis for personal use. There is no suggestion of commercial use. Second, you have learnt your lesson, you have family responsibilities and there are prospects of rehabilitation. In those circumstances, suspending the sentence will meet the need for accountability, deterrence and denunciation and will promote in you a sense of responsibility.
19. If you offend again in the next 18 months, you will need to serve the sentence of imprisonment in addition to any other penalty that may be imposed for the further offending.
20. The cannabis material is to be destroyed.
21. You have 14 days to appeal.

**DATED at Port Vila this 13th day of September 2024**

**BY THE COURT**

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Justice M A MacKenzie

