

PUBLIC PROSECUTOR

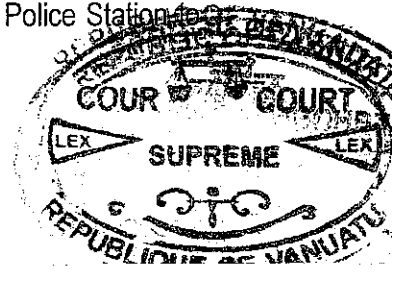
V

HARRY MICHEL MARONGO

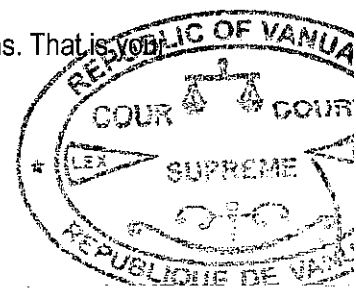
Date of Plea: 20th August 2024
Coram: Hon. Chief Justice V. Lunabek
Counsel: S. Langon for the State
K. B. Karu for the Defendant
Date of Sentence: 24 September 2024

SENTENCE

1. Mr Harry Michel Marongo ("*Mr Marongo*"), you appear for sentence today having being pleaded guilty and convicted of one count of unlawful possession of cannabis substances, contrary to Sections 2(62) and 17 of the Dangerous Drugs Act [CAP. 12].
2. A formal complaint was made against you, Mr Marongo, for the offence of unlawful possession of cannabis substances which is prohibited by the laws of the Republic of Vanuatu.
3. You are 34 years old. You are originated from Tongoa Island, you reside in Lumbukuti village at Tongoa Island.
4. The Police Drugs Unit in Port Vila had received information and reports through Police officers in Tongoa Island that Mr Marongo, you were cultivating and selling cannabis around Tongoa island and supplying on board to Port Vila.
5. A search warrant was issued and executed by the police the power to carry out the search at your house, place, garden or any other area that you had access to.
6. On the 15th of May 2024, the complainant (a police officer) was part of Operation Green Sweep Team where they travelled to Tongoa Island assisting the Morua Police Station to execute the warrant.



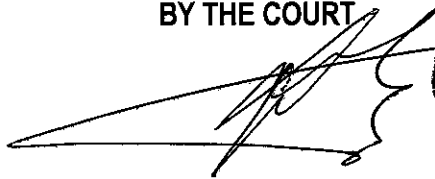
7. On the 16th of May 2024, the operation Green Sweep took place at Lumbukuti village in Tongoa Island where the search warrant was executed at your house. While inside, the police officers found a 18kg bag rice, a green dish used for laundry and a biscuit bucket that contains inside these items of huge cannabis substances.
8. These cannabis substances were seized and Mr Marongo, you were arrested.
9. On the 16th of May 2024, Officer Winshaul Garae received the exhibit for forensic examination. The exhibit contains a green dish full of dried materials and a 18kg bag full of dried plant materials that were all suspected to be cannabis.
10. The forensic report concluded that the exhibit tested positive for cannabis. The green dish and 18kg bag rice that contains cannabis substances had a total net weight of 3.60kg.
11. You were cautioned on the 24th of May 2024 at Morua Police Station, Tongoa island. You understood your rights that the police informed you of and stated that you will only speak in court.
12. You were remanded in custody on 5 June 2024 and released on bail on the 18 February 2024.
13. The offence of unlawful possession of cannabis substances carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such a fine and imprisonment.
14. There is no mitigating factor to the offending, but the following aggravating factors exist:
 - (a) You had a knowledge intention of the substances and plants in your possession as opposed to being reckless in possessing them;
 - (b) You have in your possession cannabis substances contained in an 18kg bag rice, in a green dish used for laundry and in a biscuit bucket. The net weight of these cannabis substances was 3.60kg.
15. This case lies under category 2 of Wetul guidelines in Wetul v Public Prosecutor [2013] VUCA 26.
16. I read and peruse the submissions of the prosecutions and the defence counsel. I thank them both for their submissions.
17. The sentence start point is 2 years imprisonment.
18. I give you a reduction of 3 months for your mitigating factors.
19. I give you a further reduction of 33% for early guilty plea.
20. The remaining balance of your sentence is 14 months ie. 1 year and 2 months. That is your end sentence.



21. You were remanded in custody on 5 June 2024 and released on bail on 18 June 2024.
22. This time shall be deducted from your sentence.
23. Your sentence is finally reduced to 1 year 1 months and 17 days. I consider the nature and circumstances of your offending, I decide to suspend your sentence for a period of 2 years.
24. During the period of suspension, you shall remain crime-free, if you commit a criminal offence during that time, you shall be brought before the Supreme Court and sentence for 1 year 1 month and 17 days imprisonment; and you shall also be dealt with for the new offence.
25. In addition, you are ordered to perform 80 hours of community work.
26. The cannabis substances that were seized and are under the custody of the police must be destroyed.
27. You have 14 days to appeal against this sentence if you are unsatisfied with it.

DATED at Port Vila, this 24th day of September, 2024

BY THE COURT



Hon. Chief Justice Vincent LUNABEK

