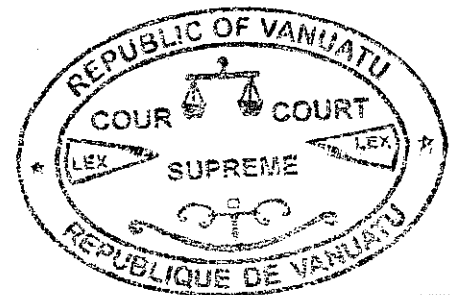


PUBLIC PROSECUTOR
V
SAKI THOMPSON

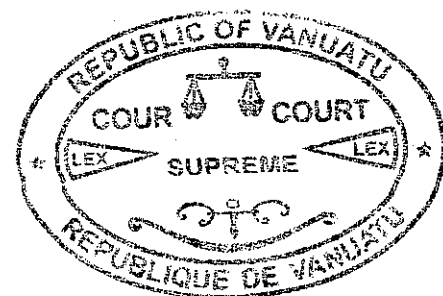
Date of Plea: 20th August 2024
Coram: Hon. Chief Justice V. Lunabek
Counsel: S. Langon for the State
K. B. Karu for the Defendant
Date of Sentence: 24 September 2024

SENTENCE

1. Mr Saki Thompson ("*Mr Thompson*"), you appear today for sentence having been pleaded guilty and convicted of the offence of unlawful cultivation of cannabis, contrary to Sections 4(1) and 17 of the Dangerous Drugs Act [CAP. 12].
2. The complainant in this case is a police officer.
3. Mr Thompson, you are from Epi Island but reside with your uncle at Matangi village on Tongoa Island. After the commission of the offence, you reside with your defacto parter at Teouma, Efate.
4. Sometimes between the 1st of January 2024 and the 1st of March 2024, the police officers in Morua Police Post in Tongoa Island received information that Mr Thompson, you were cultivating cannabis plants in your garden at Sele village, Tongoa Island.
5. On the 29th of February 2024, the officers at the Morua Police Station went to see you, Mr Thompson, and followed you to your garden where they found 67 cannabis plants being cultivated in your garden.
6. A police operation took place in Sele village, Tongoa Island and sometimes on the month of May 2024, you were arrested and the plants were seized.



7. On the 10th of May 2024, Officer Winshual Garae received the exhibit for forensic examination from Tongoa Police Post. The exhibit contains sixty-seven (67) dried plant materials.
8. The forensic report concluded that the exhibit tested positive to cannabis. The sixty-seven cannabis plants had a total net weight of 3.64kg.
9. You were cautioned on the 24th of May 2024 at Morua Police Post, Tongoa Island. You said you wanted to speak only in court.
10. You also admitted that you know the allegation against you is against the law of Vanuatu. You said you have two children (a girl and a boy).
11. You stated that you promised the police that you will not cultivate cannabis again.
12. You were remanded in custody on 5 June 2024 and released on bail on the 20th June 2024.
13. The offence of cultivation of cannabis plants 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 factors exist:
 - (a) You had a knowledge of the nature of the plants; and
 - (b) That it is against the law; and
 - (c) You are reckless in planting the cannabis plants; and
 - (d) You cultivated a total of 67 cannabis plants; and
 - (e) The net weight of the 67 cannabis plants is 3.64kg.
15. This case lies under category 2 of the Wetul guidelines in *Wetul v Public Prosecutor* [2013] VUCA 26.
16. The sentence start point is 3 years imprisonment.
17. In mitigation, Mr Thompson, you are a first-time offender. You have two young children. You regret and say sorry for your offending.
18. I give you a reduction of 3 months for your mitigating factors.



19. I give you a further reduction of 33% for your early guilty plea.
20. The remaining balance of your sentence is 22 months ie. 1 year and 10 months imprisonment.
21. This is your end sentence.
22. You were remanded in custody on 05 June 2024 and released on bail on 18 June 2024. You have spent a total of 14 days in pre-custodial period. This time shall be deducted from your sentence.
23. Your sentence is finally reduced to 1 year 9 months and 16 days imprisonment.
24. I consider the nature and circumstances of this offending, I decline to suspend this term of imprisonment sentence.
25. You are ordered to serve 1 year 9 months and 16 days imprisonment with immediate effect.
26. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.
27. The 67 cannabis plants seized and under the custody of the police in this case must be destroyed.

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

BY THE COURT

Hon. Chief Justice Vincent LUNABEK

