

PUBLIC PROSECUTOR

v

STEWARD LEO

Coram: *Hon. Chief Justice V. Lunabek*

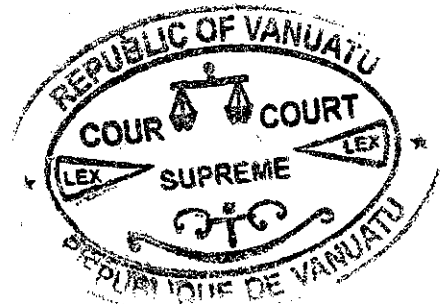
Counsel: *Mr J Aru for the State*
Ms B Taleo for the Defendant

Date of Pleas: *22 April 2024*

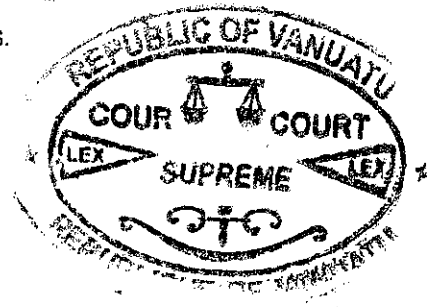
Date of Sentence: *24 May 2024*

SENTENCE

1. Mr. Steward Leo ("*Mr. Leo*"), you appear today for sentence having pleaded guilty to one charge of the cultivation of cannabis plants, contrary to section 4(1) of the dangerous Drugs Act [Cap 12].
2. A formal complaint was made against you, Mr. Leo, for the offence of cultivation of cannabis plants which are prohibited by the laws of the Republic of Vanuatu.
3. The offending took place sometimes in November 2023 at Lebinwen Village, the south west part of the island of Malekula. The police had information that you were involved in the cultivation of cannabis plants. Therefore, an investigation was carried out by the police. During investigation, it was revealed that you planted 41 cannabis plants. The cannabis plants seized by the police were then sealed and kept in their custody for presumptive test. The net weight was 5.90 kilograms. The plants were tested and the presumptive test result shows that the cannabis plants seized by the police were turned to be positive of cannabis.



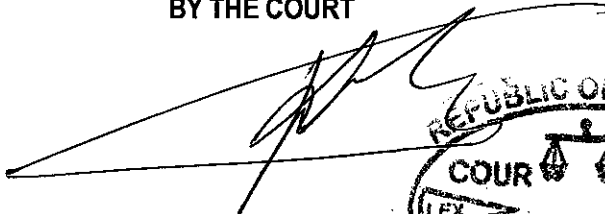
4. You were arrested, cautioned and interviewed by the police where you admitted the allegations made against you.
5. The offence of cultivation of cannabis plants carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.
6. Here, there is no mitigating factors to the offending but the following aggravating factors exist: -
 - a) Mr. Leo, you had a knowledge intention of the nature of the plan in your possession as opposed to being reckless in possessing and cultivating it.
 - b) You cultivated a total of 41 cannabis plants weighing 8.90 kilograms.
7. This case lies under category 2 of the Wetul guidelines set in Wetul v. Public Prosecutor [2013] VUCA 26.
8. The sentence start point is 3 years imprisonment.
9. In mitigation, you are a first-time offender. You are single, you come from Lebinwen South West Bay Malekula. You left school in Year 9. You are a first-born child out of 4 siblings. Your father left your mother on Malekula and come to live in Port Vila town. You do not know what your father is doing in Vila town. Your mother is responsible for your care. You sell kava every month to support your family with the income you made out of that sale. You assist your community and your church CLC, though, you do not know the full name of your church denomination. You said you are familiar with the cannabis substances as you were involved with smoking cannabis substances when you were at school at the age of 13 years old. You are now 21 years of age.
10. There is no remorse and contrition for your wrongdoing. But I note your early guilty plea and you said this is your last involvement with the cannabis substances.
11. I give you a reduction of 3 months to reflect on any mitigating factors.
12. I give you a further reduction of 33% for your early guilty plea.



13. The remaining balance of your sentence is 22 months i.e., 1 year and 10 months imprisonment.
14. You were remanded in custody for 3 months and 5 days from 22 November 2023 to 27 February 2024. This period shall be deducted from your sentence.
15. Your sentence is finally reduced to 1 year 9 months and 25 days imprisonment. That is your end sentence.
16. The nature and seriousness of the offending do not justify a suspension. You are ordered to serve your term of 1 year 9 months and 25 days imprisonment with immediate effect.
17. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.

DATED at Luganville, Santo, this 23rd day of May 2024

BY THE COURT



Hon. Chief Justice Vincent LUNABEK

