

PUBLIC PROSECUTOR v TIMI SALERUA

Date of Plea: 14 April 2025
Before: Hon. Chief Justice Vincent Lunabek
In Attendance: J Tete for the Public Prosecutor
B Taleo for the Defendant
Date of Sentence: 17 April 2025

SENTENCE

I. Introduction

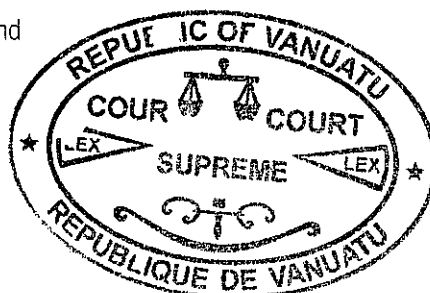
1. Mr Salerua has pleaded guilty and accepted the summary of facts relating to 1 charge of cultivation of cannabis plants, contrary to Section 4 of the Dangerous and Drugs Act (DD Act) ("the Act"). The maximum sentence for this offence is a term of 20 years imprisonment and/or a fine of up to VT100 million.

II. Facts

2. Mr Salerua, on the 7th February 2024, the chief of Sarete Village, Jeffery Turu and the Community Safety Officer (CSO), Godwin, went to your garden following stories that you were cultivating cannabis plants. At your garden, they saw 3 stems of cannabis plants and they took photos of them.
3. On the 14th February 2025, the CSO officer, Golwin and Nelson Perei went to your garden and uprooted the stems of cannabis with a net weight of 1,190 kilograms. It was reported to the police.

III. Aggravating and Mitigating Factors of the offending

4. There were no mitigating factors of the offending, but the following aggravating factors to the offending exist:
 - You had knowledge of the nature of the plant as opposed to being reckless in possessing and cultivating it; and
 - You cultivated 3 stems of cannabis plants; and



- They have a net weight of 1,190 kilograms.

IV. Start Point

5. The start point for this offending, as required to be identified by Public Prosecutor v Andy [2011] VUCA 14 and Philip v Public Prosecutor [2020] VUCA 40, is set at 2 years imprisonment. I regard that as very reasonable within category 1 of the case of Wetul v Public Prosecutor [2013] VUCA 26, given the aggravating factors. However, the quantity of the drugs uprooted is 3 stems with net weight of 1,190 kilograms. But there was no evidence of your intention to supply or sell them to others.

V. Personal Factors

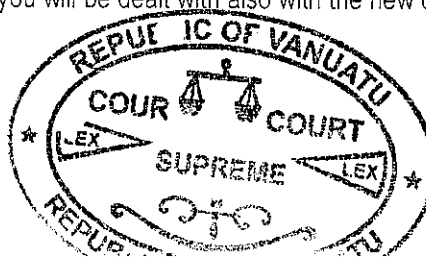
6. Mr Salerua, you live in a defacto relationship with Mrs Amelia Vatu from Tangoa Island, South Santo. You have a son and two daughters. You have good relationship with your parents, families and chief.
7. Mrs Amelia Vatu (your defacto wife) said she had gone through operation at the hospital after she had given birth on her second baby. She said she cannot do heavy work and she will depend a lot on Mr Salerua to do the garden work and provide for the family.
8. Mr Salerua is a first-time offender. He has no previous conviction. He did not perform a custom ceremony but he indicated his willingness. That willingness is too late to have any real impact on the sentence that must be imposed. Mr Salerua said he regretted his actions and he was remorseful. I see no substance in Mr Salerua's purported remorse as he knew that it is against the law to cultivate cannabis and he was trying to justify his actions stating that he cultivated the cannabis plants to inhale them when doing hard work in the garden.
9. For Mr Salerua's personal factors, I reduce the start point of his sentence by one third to reflect on his guilty plea given at the first opportunity available.
10. I further reduce Mr Salerua's start point of his sentence by 3 months imprisonment for his personal factors. A final matter to be taken into account is the time he has already spent in pre-custody period of 2 months (February – March 2025) which is effectively 4 months.

VI. End Sentence

11. Taking all of those matters into account, the end sentence that must be imposed is one of 9 months imprisonment.

VII. Suspension

12. I consider the nature and circumstances of this case, your character as an offender, I decide to suspend your sentence of 9 months imprisonment for a period of 2 years. During the 2 years suspension, you must not re-offend. If you re-offend during that period of 2 years, your sentence of 9 months will be re-activated and you will be dealt with also with the new offending.

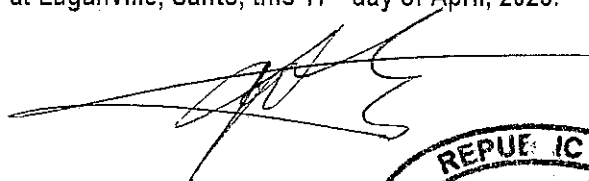


13. In addition to suspension of your sentence of 9 months, you are ordered to perform 60 hours of community work.

VIII. Other

14. Mr Salerua has 14 days to appeal this sentence if he disagrees with it.

DATED at Luganville, Santo, this 17th day of April, 2025.


Hon. Chief Justice Vincent Lunabek

