

## PUBLIC PROSECUTOR v NARI VARI

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

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### SENTENCE

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#### I. Introduction

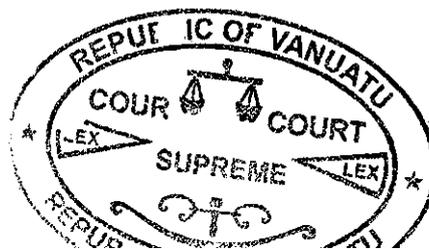
1. Mr Vari pleaded guilty and accepted the summary of facts in relation to one charge of cultivation of cannabis plants, contrary to Section 4 of the Dangerous Drugs Act [CAP. 12]. The maximum sentence for this offence is a term of 20 years imprisonment and/or a fine up to VT100 million.

#### II. Facts

2. Mr Kalo James is the complainant in this case. He is the neighbour of the Defendant, Mr Vari.
3. On the 7<sup>th</sup> of November 2024, the complainant was filling up his tank when he saw the defendant walking up to his mother's garden. He observed that the defendant went to his mother's garden and was looking at a plant in the garden. He noticed that the defendant was holding the leaves and branch of that plant.
4. After filling up his tank, the complainant went close to the garden and inspect the plant. On close inspection he saw that the plant was cannabis. He then reported it to the police. On that same day police officers went to the garden and uprooted 14 stems of what they believed to be cannabis plants and the defendant was then arrested.
5. A cannabis presumptive test was conducted on the plants and it confirmed that they were in fact cannabis plants.

#### III. Aggravating and Mitigating Factors of the offending

6. There were no mitigating factors to the offending, but the following aggravating features of the offending exist:



- Mr Vari had a knowledge of the nature of the plant in his possession as opposed to being reckless in possessing and cultivating it; and
- Mr Vari knew that cultivating cannabis plants is against the law; and
- Mr Vari cultivated 14 stems of cannabis; and
- They weighed 0.485 grams.

IV. **Start Point**

7. This case lies under Category 2 of Wetul guidelines in *Wetul v Public Prosecutor* [2013] VUCA 26. I set the sentence start point to 3 years imprisonment, given the aggravating factors.

V. **Personal Factors**

8. Mr Vari is a young single man of 19 years of age. He is from Tutuba Island in Santo. He lives with his mother and sibling at Bombua community. He has good relationship with his family and chief. His father had separated with his mother 17 years ago.
9. Mr Vari is a year 8 school leaver. He assisted his mother in the community. His mother obtained incomes from the sales of 20vt food.
10. Mr Vari is a first-time offender. He was remanded at the Correctional Centre on 08 November 2024 and released on 10 December 2024. You have already spent a total of 4 weeks and 5 days in pre-custodial period which is effectively 2 months and 10 days.
11. I reduce your sentence start point by 33% to reflect on your guilty pleas given at the first opportunity by the authorities. I reduce also your sentence start point for your other personal factors by 8 months. I further take into account the effective total of 2 months and 10 days you had already spent in pre-custodial period.
12. The balance of your remaining sentence is 13 months and 20 days imprisonment.
13. I consider the nature and circumstances of the offending, your character as an offender, I decline to suspend your term of 13 months and 20 days imprisonment. I order that you serve this sentence with immediate effect.
14. You have 14 days to appeal this sentence if you disagree with it.

DATED at Luganville, Santo, this 17<sup>th</sup> day of April, 2025.

Hon. Chief Justice Vincent Lunabek

