

PUBLIC PROSECUTOR v LUCY LEO

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**

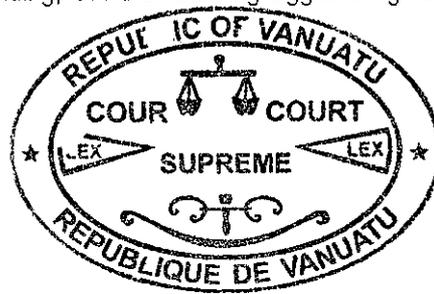
1. Ms Leo pleaded guilty and accepted the summary of facts relating to one Count of possession of cannabis substances, contrary to Section 2(62) of the Dangerous Drugs Act [CAP. 12]. The maximum sentence for such an offence is a term of 20 years imprisonment and/or a fine up to VT100 million.

II. **Facts**

2. On the 24th of February 2025, the complainant, Paulia Zebedee, received information that Ms Leo was selling cannabis at Pump Station area. A search warrant was applied for and granted on the 4th of March 2025. Police officers who executed the search warrant at her house confiscated a red shopping bag hanging on the wall close to the door. Contained in that shopping bag was materials that they suspected them to be cannabis.
3. A cannabis presumptive test was conducted on the materials from the shopping bag at the defendant's house and it confirmed that the materials were in fact cannabis with a net weight of 0.020 grams.

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

4. There are no mitigating factors of the offending, but the following aggravating factors of the offending exist:



- She knew that possessing cannabis substances is against the law; and
- She had in her possession cannabis materials with a net weight of 0.020 grams.

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 reasonable, giving the aggravating factors. However, the quantity of drugs seized is very small (0.020 grams).

V. Personal Factors

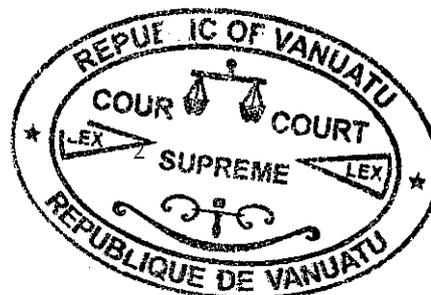
6. Ms Leo is 31 years of age. She lives at Pepsi area in Luganville with her defacto husband, Mr Robson Kenneth and have 2 young children. She is now 4 months pregnant with their third child.
7. Ms Leo is a house maid of Elise Leo, her sister. She supported her family with wages. She had other income from the sales of kava juice that she sells each night in her community. She has good relationship with her family, chief and community. She has plan to take care of her children and to ensure they all attend school. She is skilled with domestic chores.
8. Ms Leo is a first-time offender with no record of previous convictions. There was no record of remand or previous conviction.
9. Ms Leo explained to the writer of the report that she obtained these cannabis substances to sell them on behalf of her brother who needs money to purchase clothes for his baby.
10. For Ms Leo's personal factors, I reduce the start point of her sentence by 33% to reflect on her guilty plea given at the first opportunity to the court. I reduce also her start point sentence by 8 months to reflect on her other personal factors including the fact that she sold cannabis on behalf of her brother to purchase clothes for his baby.

VI. End Sentence

11. Taking all of those matters into account, the end sentence that must be imposed is one of 8 months imprisonment.
12. The drugs seized are to be confiscated.

VII. Suspension

13. I consider the circumstances of this case, I suspend the sentence of 8 months imprisonment for a period of 2 years.

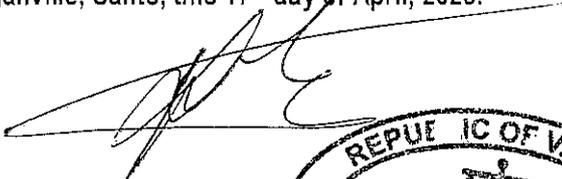


14. Ms Leo must be free from crime during the period of suspension (2 years). If she re-offends during the 2 years suspension period, her sentence of 8 months imprisonment shall be re-activated and she will be dealt with the new offending also.
15. In addition, I sentence Ms Leo for 6 months probation under the general standard condition.

VIII. Other

16. Ms Leo has 14 days to appeal this sentence if she disagrees with it.

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


Hon. Chief Justice Vincent Lunabe

