

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Criminal
Case No. 25/190 SC/CRML

PUBLIC PROSECUTOR

v

WILFRED TIRO

Date: 24 February 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms J. Tete
Defendant – Mr J.S. Garae

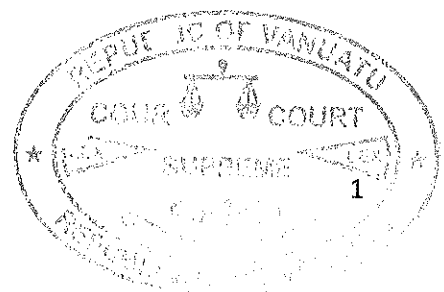
SENTENCE

A. Introduction

1. The Defendant Wilfred Tiro pleaded guilty and accepted the summary of facts relating to one count of theft contrary to s. 122 and para. 125(a) of the *Penal Code* [CAP. 135] and one count of possession of cannabis contrary to subs. 2(62) of the *Dangerous Drugs Act* [CAP. 12]. He is convicted on his own pleas and the admitted facts.

B. Facts

2. Mr Mawa Bethel planted 350 kava stems in his garden which were 3 and 4 years old. From August 2024, Mr Bethel noticed that some of his kava stems had gone missing from his garden and began asking his fellow villagers if they knew who had taken kava from his garden.
3. On 15 September 2024, Mr Edwin Tal decided to visit the complainant Mr Mawa Bethel's kava garden. On his way there, he saw Mr Tiro walking towards him, carrying a big brown bag filled with kava. Mr Tal asked Mr Tiro if he had stolen the kava from



Mr Bethel's garden. Mr Tiro replied that he would plant replacements for the kava ("*Bae mi tes plantem bak change blong kava ia.*") Then Mr Tiro threw the bag of kava onto the ground and ran away. Mr Tiro admitted the offending to the Police (Count 1).

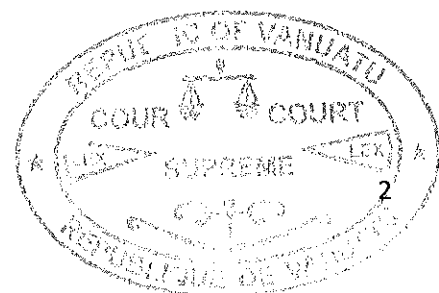
4. On 23 October 2024, the Police arrested Mr Tiro at his house. They saw a packet of cigarettes. It contained 10 round ball of material which testing confirmed to be 4.517 grams of cannabis. Mr Tiro admitted that the rolls of cannabis were his (Count 2).

C. Discussion

5. The maximum sentence for theft is 12 years imprisonment; for possession of dangerous drugs is 20 years imprisonment or a fine of VT100 million, or both.
6. The aggravating factors of the theft are premeditation and planning. The mitigating factor is that the stolen kava was returned to the complainant Mr Bethel.
7. There are no aggravating or mitigating factors related to the drugs offending.
8. The maximum penalties for this offending, and the factors of the offending require a global sentence start point of 15 months imprisonment.
9. Mr Tiro pleaded guilty at the first opportunity. He is entitled to a one third deduction (5 months) for the prompt guilty pleas.
10. Mr Tiro is 21 years old. He has 2 young children with his partner. He is a Year 13 leaver. He is a farmer. 2 months are deducted for his personal factors.

D. End Sentence

11. The sentencing principles applicable in this case are holding Mr Tiro accountable for his conduct, protecting the community, to denounce the criminal conduct, and to deter him and others from acting in this manner in future.
12. Taking all of those matters into account, the end sentences imposed are 8 months imprisonment for theft (Count 1) and 12 months supervision with a special condition that Mr Tiro attends a drug awareness and rehabilitation program, and 70 hours of community work to be completed within 12 months, for possession of cannabis (Count 2).
13. Mr Tiro has been in custody since 24 October 2024 to the present, an effective imprisonment sentence of 8 months hence he has served the time required in respect of Count 1 therefore is to be immediately released from custody. Mr Tiro has good




prospects of rehabilitation. The Court trusts that he has learnt from this experience and will take care in the future to be an upstanding, law-abiding citizen.

14. Mr Tiro has 14 days to appeal this sentence.

15. The drugs are to be destroyed.

**DATED at Luganville this 24th day of February 2025
BY THE COURT**



Justice Viran Molisa Trief

