

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

**Criminal
Case No. 25/1588 SC/CRML**

BETWEEN: Public Prosecutor

**AND: Willie John Vano
Defendant**

Coram: Justice Dudley Aru
Counsel: Ms S. Langon the Public Prosecutor
Ms. L. Bakokoto for the Defendant

SENTENCE

Introduction

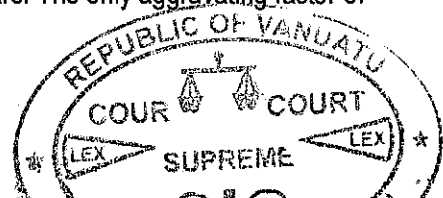
1. The defendant Willie John Vano pleaded guilty to a single charge of cultivation of cannabis plant contrary to s.4(1) and s.17 of the Dangerous Drugs Act [CAP 12].
2. The maximum penalty for cultivation of cannabis plant is a fine not exceeding VT100 million or a term of imprisonment not exceeding 20 years or to both.

The facts

3. On 10 of April 2025, the Police Drugs team received information that this defendant was smoking cannabis in his house and not caring about the health of his family especially their children.
4. The police responded to the call and went to the defendant's residence at Salili area to which they met the suspect's de facto partner who confirmed that she saw the suspect smoking cannabis at their home on the 9 of April 2025.
5. The suspect was arrested on that same date and he showed the Police the cannabis plants in his garden. The police removed 17 cannabis plants with heights from 4cm to 2m tall.
6. On 10 April 2025, Officer Winshaul received the exhibits for Forensic examination from Jacky Lui. The exhibits were 17 fresh plants belonging to Mr. Willie John Vano.
7. The Forensic report concluded that the exhibits tested positive for Cannabis by changing its colour into purple. The total net weight of the cannabis plants was 4.78 kg.
8. The defendant under caution admitted that he smokes cannabis and that it was his cannabis plants that the police removed or uprooted from his garden.

Sentence starting point

9. The maximum sentence available for unlawful cultivation of cannabis is a fine not exceeding VT100 million or a term of imprisonment not exceeding 20 years. The only aggravating factor of



this offending is the net weight of the 17 cannabis plants which is 4.78 kg. There are no mitigating factors of the offending.

10. Both the Prosecution and defence counsel noted what the Court said in **Wetul v. PP [2013] VUCA 26** and also referred to **Melterongrong v. PP [2022]** and **PP v. Beggie [2022] VUSC 94**. The prosecution submitted that the starting point of sentence should be between 18 to 22 months imprisonment given the number of cannabis plants. Counsel on the other hand submitted that the starting point of sentence should be 12 months imprisonment.

11. I set the starting point of sentence at 20 months imprisonment.

Guilty Plea and personal factors

12. The defendant entered a guilty plea at the first available opportunity therefore the sentence start point is discounted by 30%.

13. There was no presentence report filed as directed. Counsel submitted that the defendant is a first-time offender and that the defendant cooperated with the Police in their investigations.

14. Taking these factors into account the sentence start point is further reduced by 3 months.

End sentence

15. The defendant is sentenced to an end sentence of 11 months imprisonment.

16. The sentence is suspended for a period of 2 years. Should the defendant re-offend during this period his sentence will be reactivated to be served in custody. In addition, the defendant will perform 100 hours of community work. I also order supervision for a period of 6 months for the defendant to undertake rehabilitation in relation to his offending.

17. I direct that the confiscated cannabis must be destroyed immediately.

18. The defendant has 14 days to appeal if he is not satisfied with the decision.

DATED at Port Vila this 24th day of October, 2025
BY THE COURT

Dudley Aru
Judge

