

**IN THE SUPREME COURT OF THE
REPUBLIC OF VANUATU – Luganville,
Santo**
(Criminal Jurisdiction)

Criminal Case No. 25/2562 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Santo

The State

AND: Roger Johnson
Santo

Defendant

Date of Plea: 19 September 2025
Date of Sentence: 23 October 2025
Before: Justice B. Kanas Joshua
Counsels: Ms Josephine Tete, for the State
Mr Rollanson Willie, for the defendant

SENTENCE

Introduction

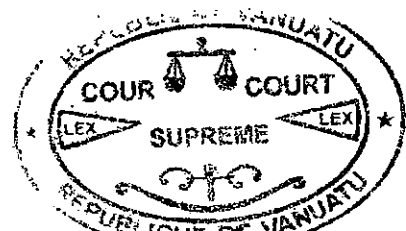
1. Mr Roger Johnson, you pleaded guilty to the charge of unlawful possession of cannabis. The maximum penalty for possession of cannabis is a term of imprisonment not exceeding 20 years, and and/or a fine not exceeding VT100 million.
2. Your sentence is to hold your responsible for your actions so others can see that this is against the law which has serious consequences. This will help to stop these actions, as it causes social harm. This sentence should help you to rehabilitate, and must be generally consistent.

Facts

3. In July 2025, police officers executed a search warrant at the residence of Jeff Havo. The defendant was with Mr Havo and were just driving out when the police intercepted the vehicle. The defendant was sitting in the front passenger seat so the police searched him too. Upon searching the defendant, they found a woven pandanus purse containing balls of aluminium foil. Inside these balls of aluminium foil were marijuana. On the side of the passenger's door they also found branches of marijuana. The gross weight was 19.9g with a net weight of 16g.

Starting point

4. From the facts, I consider the aggravating and mitigating factors of the offending and the maximum penalty of the offence. The aggravating factor are:
 - a. The quantity of cannabis; the net weight is 16g.



- b. Packaging of dried cannabis; aluminium foil rolled up into balls containing cannabis indicate commercial intent.
 - c. The defendant had knowledge that cannabis is a prohibited substance and still possessed it.
5. There are no mitigating factors of the offending.
6. The guideline case for cannabis cultivation is *Wetul v. PP*¹. It categorizes cannabis cultivation into 3 broad categories:
- a. Category 1: consists of the growing of a small number of cannabis plants for personal use by the offender without any sale to another party occurring or being intended. Offending in this category is usually dealt with by a fine or other non-custodial measure. Where there have been supplies to others on a non-commercial basis the monetary penalty will be greater, and in more serious cases or for persistent offending a term of community work and supervision or even a short custody term may be merited.
 - b. Category 2: encompasses small-scale cultivation of cannabis plants for commercial purpose, i.e with the object of making profit. The starting point for sentencing is between 2 – 4 years, but where sales are infrequent and of very limited extent a lower starting point may be justified.
 - c. Category 3: is the most serious class of such offending. It involves large-scale commercial growing, usually with a considerable degree of sophistication and organization. The starting point will generally be 4 years or more.
7. The offending in the current case is 16g which the defendant admits to smoking for his personal use. This falls within category 1 which attracts a fine or other non-custodial measure.
8. The cases of *PP v. Floflo*² and *PP v. Wina*³ were helpful in determining a starting point. In comparing them with the current case, the net weight in the current case is just 2g more than that found in the 2 cases. I adopt a starting point of 12 months imprisonment.

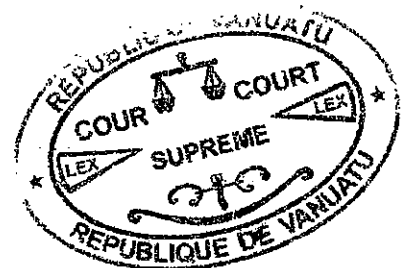
Personal factors and guilty plea

9. For the guilty plea I give a 25% discount. This brings the sentence to 9 months.
10. I consider the following mitigating factors and deduct 2 months:
- a. You are 35 years old;
 - b. You live in a de facto relationship and have 2 children;
 - c. You are a first-time offender;
 - d. You are a Chief Engineer on a ship and you are the sole breadwinner in the family; and
 - e. You have apologized to your partner and she forgives you for what you did. She states also that you are good person despite your actions.

¹ [2013] VUCA 26.

² [2024] VUSC 170.

³ [2025] VUSC 275.



11. You were remanded from 18 July 2025 to 8 August 2025. This is a total of 21 days which equates to an effective sentence of 42 days. I make this deduction and it brings your sentence to 5 months 18 days imprisonment.

End sentence

12. Mr Roger Johnson, you are sentenced to 5 months 18 days imprisonment. As the offence falls in category 1 of *Wetu*/I am suspending your sentence for 1 year under supervision.

13. I further order that you must attend any program provided by the Correctional Services that will help towards your rehabilitation.

14. The cannabis material must be destroyed.

15. You have 14 days to appeal.

Dated at Port Vila on this 23rd day of October 2025

BY THE COURT

B. Kanas
Justice B. Kanas Justice

