

PUBLIC PROSECUTOR

v

GINO VIRA

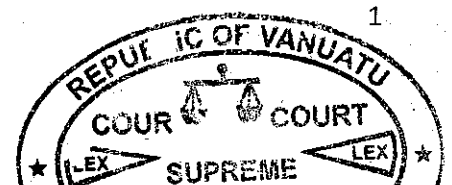
Date of Plea: 16 March 2025  
Before: Justice V.M. Trief  
In Attendance: Public Prosecutor – Ms G. Kanegai  
Defendant – Mr J. Garae; Defendant present

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**EX TEMPORE SENTENCE**

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1. Mr Gino Vira, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to one charge of unlawful possession of cannabis contrary to subs. 2(62) of the *Drugs Act* [CAP. 12]. You are convicted on your own plea and the admitted facts.
2. On 25 November 2025, Police officer Florida Masingnao was at Ndui Ndui wharf at West Ambae when she saw you and your friend board the MV Karapha. The ship went to another Ndui Ndui port and then returned to the wharf. Upon reasonable belief, the Officer searched you and located cannabis plants in your possession which she confiscated. Testing by the Police Drugs Unit confirmed the plants to be cannabis, weighing 11.42 grams. You admitted the offending under caution the same day. You said that it was yours and for your personal use.
3. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
4. The maximum penalty for the offence of unlawful possession of cannabis is 20 years imprisonment and/or a fine of up to VT100 million.
5. There are no aggravating or mitigating factors to this offending.
6. Ms Kanegai cited *Wetul v Public Prosecutor* [2013] VUCA 26, submitting that your offending is Category 1 offending. Counsel both cited *Public Prosecutor v Wina* [2025]



VUSC 275 per Aru J and submitted that the Court adopt a 12-month sentence starting point. In that matter, the defendant was found in possession of 14.5 grams whereas in the present matter, you were found with 11.42 grams.

7. Taking the foregoing matters into account, the sentence start point I adopt is 8 months imprisonment.
8. You are 22 years old. Your education ended due to difficulties paying school fees. You have no prior convictions. You cooperated with the Police. You pleaded guilty at the first opportunity. You are a subsistence farmer. Through counsel, you apologised for the offending. You have spent 58 days in custody (1 December 2025-27 January 2026), an effective imprisonment term of nearly 4 months. You are stated to be remorseful and that having served time in custody, you will not offend again. One third is deducted from the sentence start point for your early guilty plea (2 months 20 days) and another 1 month and 10 days for your personal factors.
9. The end sentence imposed is 4 months imprisonment. Given that you have already served an effective imprisonment term of nearly 4 months, you have served the time required.
10. In addition, you are to complete 40 hours of community work within 12 months, and complete 6 months of supervision.
11. The sentence is imposed to send a message to the community that the unlawful possession of cannabis is prohibited, and to express disapproval of such offending on behalf of the people of the Republic. The sentence is also to deter you from future offending. Your counsel Mr Garae has spent time talking with you about making better choices in future. I also say to you that you always have a choice to behave in a manner that does not break the law. Your prospects of rehabilitation are good; it is up to you to make the right choices so that you fulfil your potential as an upstanding, law-abiding citizen of Vanuatu.
12. You have 14 days to appeal the sentence.
13. The drugs are to be destroyed.

**DATED at Luganville this 16<sup>th</sup> day of March, 2026.**

**BY THE COURT**

  
Justice Viran Molisa Trief

