

PUBLIC PROSECUTOR

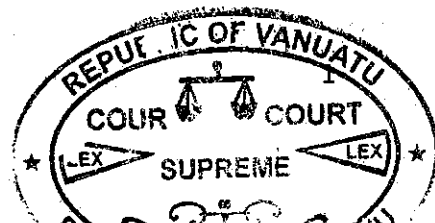
v

TOMMY MASSING

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

EX TEMPORE SENTENCE

1. Mr Tommy Massing, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to one charge of cultivation of cannabis contrary to s. 4 of the *Drugs Act* [CAP. 12]. You are convicted on your own plea and the admitted facts.
2. On 15 October 2025, the Police located 5 cultivated plants in your garden at Whitesand village on the southern part of Malekula which they suspected to be cannabis. They uprooted and confiscated the plants. Testing by the Police Drugs Unit confirmed the plants to be cannabis, weighing 0.630 grams. On 23 October 2025, you admitted the offending under caution.
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 cultivation 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. Counsel both cited *Wetul v Public Prosecutor* [2013] VUCA 26, with Mr Garae drawing particular within that decision to Mr Boe's offending and the end sentence



imposed on him. I accept that the present offending is within the lower end of the scale of the first category in Wetul v Public Prosecutor.

7. Taking the foregoing matters into account, the sentence start point I adopt is 7 months imprisonment.
8. You are 34 years old. You are married and have four children. Three of your children are in Class 2 and below in school. 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 42 days in custody (15 October 2025-25 November 2025), an effective imprisonment term of nearly 3 months. You are stated to be remorseful and that your intention is to steer clear of marijuana in the future. One third is deducted from the sentence start point for your early guilty plea (2 months 10 days) and another one month and 20 days for your personal factors.
9. The end sentence imposed is 3 months imprisonment. Given that you have already served an effective imprisonment term of nearly 3 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 cultivation 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 prospects of rehabilitation are good; it is up to you to make the right choices so that you, as a father, set a good example for your children and family, and be 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 16th day of March, 2026
BY THE COURT**


Justice Viran Molisa Trief

