

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

Criminal
Case No. 25/3876 SC/CRML

PUBLIC PROSECUTOR

v

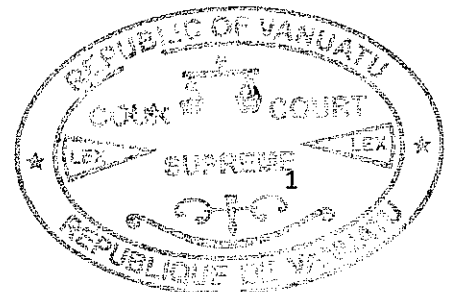
AIHING BICE
MARIE BICE
JERELA BICE

Date: 27 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D.R. Liu
Defendants – Mr L. Malantugun

SENTENCE

A. Introduction

1. Mr Aising Bice, Mrs Marie Bice and Ms Jerela Bice, you appear for sentence today having pleaded guilty and accepted the summary of facts for Mr Bice, in relation to one charge of unlawful cultivation of cannabis contrary to ss 4 and 17 of the *Drugs Act* [CAP. 12] (Count 1) and one charge of unlawful possession of cannabis (Count 2); for Mrs Bice, in relation to one charge of unlawful possession of cannabis (Count 2); and for Ms Bice, one charge of unlawful possession of cannabis (Count 3); contrary to subs 2(62) and s. 17 of the *Dangerous Drugs Act* [CAP 12]. You have been convicted on your own pleas and the admitted facts.
2. The Prosecution filed sentencing submissions. Defence counsel made oral submissions.



B. Facts

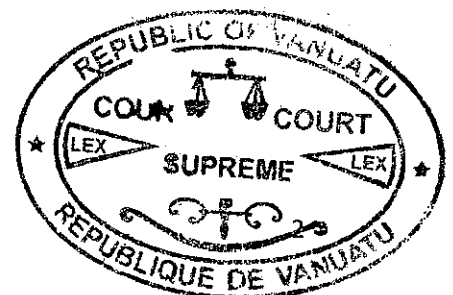
3. On 4 November 2025, the Police found 2 cannabis plants growing in Mr and Mrs Bice's yard in the backyard garden. Police officer Corporal Simon Varegali asked Mr and Mrs Bice if they smoked cannabis and they both admitted that they not only smoked cannabis but also sold cannabis when people asked to purchase it. Mr Bice admitted under caution that he grew the 2 cannabis plants in the backyard garden (Count 1).
4. Following Corp. Varegali's request, Mr and Mrs Bice brought out from their bedroom 20 small foil-wrapped packages 40 round balls of cannabis. Police testing confirmed it to be cannabis, weighing 53.53 grams (Count 2).
5. Police also approached Jerela Bice at Mele village that same day and conducted a body search and found her in possession of a box of matches which contained dried cannabis leaves. Police testing confirmed it to be cannabis, weighing 0.53 grams. Ms Bice admitted under caution that the cannabis belonged to her and that she smokes cannabis (Count 3).

C. Sentence Start Point

6. I will assess a sentence start point having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending. I will then consider your personal factors, and then tell you your end sentences.

D. Aising Bice

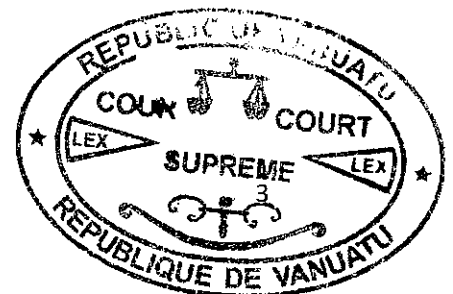
7. The maximum penalty for the offences of unlawful cultivation of cannabis and unlawful possession of cannabis is 20 years imprisonment, a fine of up to VT100 million or both.
8. There are no mitigating factors to this offending.
9. The following are aggravating factors of the offending:
 - a) You deliberately cultivated the cannabis to sell or supply to others; and
 - b) You were found in possession of cannabis which has been packaged and prepared for sale or supply to others.



10. Your offending falls within Category 2 as described by the Court of Appeal in *Wetul v Public Prosecutor* [2013] VUCA 26 which encompasses small-scale cultivation of cannabis plants for a commercial purpose i.e. with the object of deriving profit.
11. For the foregoing reasons, I adopt a global sentence start point of 16 months imprisonment.
12. Twenty-five percent (4 months) is deducted from the sentence start point for your early guilty pleas but taking into account the strength of the Prosecution case.
13. You are 47 years old. You are married and have one daughter. You are a Year 6 leaver. You make a living from your market gardening. You have a prior conviction for cannabis offending. You cooperated with the Police. No deduction is made for your personal factors.
14. You have served time in custody from 5 November 2025 to 4 December 2025, an effective imprisonment term of 2 months therefore a further 2 months is deducted from the sentence start point.
15. Taking all matters into account, the end sentences imposed concurrently are:
 - a) Cultivation of cannabis (Count 1) 10 months imprisonment; and
 - b) Possession of cannabis (Count 2) 10 months imprisonment.
16. The sentences are imposed to reflect the need to denounce this criminal conduct, to protect the community, as a general and specific deterrence and to hold you accountable for your criminal conduct.

E. Marie Bice

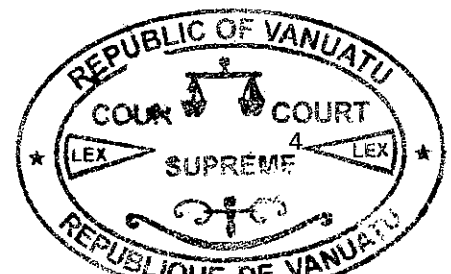
17. The maximum penalty for the offence of unlawful possession of cannabis is 20 years imprisonment, a fine of up to VT100 million or both.
18. There are no mitigating factors to this offending.
19. The aggravating factors of the offending are that you were found in possession of cannabis which has been packaged and prepared for sale or supply to others.
20. Given the quantity of cannabis and the clear commerciality involved, I adopt a sentence start point of 12 months imprisonment.



21. Twenty-five percent (3 months) is deducted from the sentence start point for your early guilty plea but taking into account the strength of the Prosecution case.
22. You are 40 years old. You are married and have one daughter. You also look after your grand-daughter. You are a Year 6 leaver. You are a market gardener, including of tobacco. You have no prior convictions. You cooperated with the Police. A further 2 months is deducted from the sentence start point for the personal factors.
23. You have served time in custody from 5 November 2025 to 4 December 2025, an effective imprisonment term of 2 months therefore a further 2 months are deducted from the sentence start point.
24. Taking all matters into account, the end sentence imposed for unlawful possession of cannabis (Count 2) is 5 months imprisonment.
25. The sentence is imposed to reflect the need to denounce this criminal conduct, to protect the community, as a general and specific deterrence and to hold you accountable for your criminal conduct.

F. Suspension of sentence – Aising Bice and Marie Bice

26. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
27. This was serious offending. There is a need for general and specific deterrence, given the prevalence of this crime in the country. I also take into account for Mrs Bice, your prior clean record and your cooperation with the Police. For Mr Bice, you have a prior conviction for cannabis offending but you have now received sentences of imprisonment in the present matter. You have both served time in custody for this offending. You have prospects of rehabilitation. I therefore suspend your sentences for 2 years on the condition that you commit no further offence within that period. You are warned that if you are convicted of any offence in the next 2 years, that you will be taken into custody and serve your sentences of imprisonment imposed today as well as the penalty imposed for the further offending.
28. In addition, you are each to complete 100 hours of community work within the next 12 months, and supervision for 6 months. You are to attend any rehabilitation program required of you by the Probation Services of the Department of Correctional Services.



G. Jerela Bice

29. The maximum penalty for the offence of unlawful possession of cannabis is 20 years imprisonment, a fine of up to VT100 million or both.
30. There are no mitigating or aggravating factors to this offending.
31. You are 25 years old. You are single. You are self-employed, selling garden produce. You have no prior convictions. You cooperated with the Police and pleaded guilty at the first opportunity to.
32. Taking all of those matters into account, the end sentence imposed for unlawful possession of cannabis (Count 3) is 2 months imprisonment.
33. You have served time in custody from 5 November 2025 to 4 December 2025, an effective imprisonment term of 2 months therefore you have served the time required for your sentence of imprisonment.
34. In addition, you are to complete 60 hours of community work within 12 months and 6 months supervision. You are to attend any rehabilitation program required of you by the Probation Services of the Department of Correctional Services.
35. The sentences are imposed to reflect the need to denounce this criminal conduct, to protect the community, as a general and specific deterrence and to hold you accountable for your criminal conduct.
36. You have 14 days to appeal the sentence.
37. The drugs are to be destroyed.

**DATED at Port Vila this 27th day of March, 2026
BY THE COURT**


Justice Viran Molisa Trief

