

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

Criminal
Case No. 25/3911 SC/CRML

PUBLIC PROSECUTOR

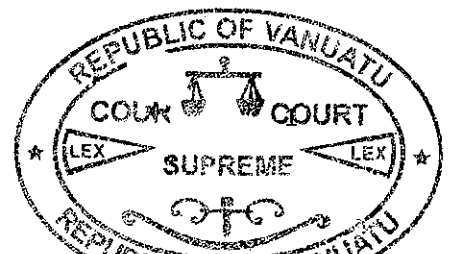
v

AMOS PAKOA

Date: 27 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mrs M.T. Silememea
Defendant – Mr L. Moli

SENTENCE

1. Mr Amos Pakoa, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to one charge of sale and supply of prohibited substance and materials namely cannabis (Count 2) and one charge of unlawful possession of cannabis (Count 1) contrary to subs. 2(62) and s. 17 of the *Dangerous Drugs Act* [CAP. 12]. You are convicted on your own pleas and the admitted facts.
2. On 7 October 2025 at Eratap Village on Efate island, around 2-4pm, the Police attended your house and found four balls of cannabis wrapped in aluminium foil and a long package of cannabis also wrapped in aluminium foil inside your house. They confiscated the materials. Police Forensic Unit testing confirmed the materials to be cannabis, weighing 3.3 grams (Count 1).
3. Under caution, you admitted that the cannabis belongs to you and that you sourced it from your relatives on Epi island for the purpose of selling it to people. You admitted that you have sold cannabis to a lot of people. Your selling price is VT100 per ball of cannabis. You also smoke cannabis. You know that this is against the law but you plant the cannabis (on Epi island) and have your relatives

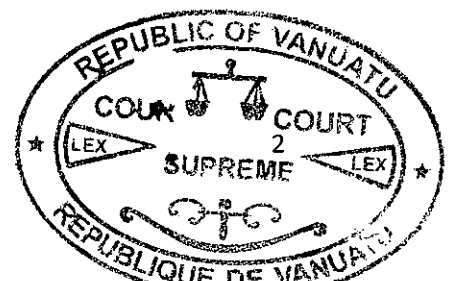


on Epi send it to you to sell around the Eratap area to make money to pay your children's school fees (Count 2).

4. The maximum penalty for the offences of sale and supply of cannabis and for unlawful possession of cannabis is 20 years imprisonment, a fine of up to VT100 million or both.
5. There are no aggravating or mitigating factors to this offending.
6. 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.
7. Given the quantity of drugs possessed which have been packaged for sale, and the nature of your offending as a supplier, I adopt a global sentence start point of 2 years 4 months imprisonment.
8. Twenty-five percent (7 months) is deducted from the sentence start point for your early guilty pleas but taking into account the strength of the Prosecution case.
9. You are 33 years old. You have not attended school. You are in a *de facto* relationship and have four children. Your partner is ill but has postponed the surgical procedure that she requires due to your imprisonment. You make a living from kava crops and livestock, as well as the supply of cannabis. You have no prior convictions. You cooperated with the Police. A further 6 months is deducted from the sentence start point for your personal factors.

End Sentence

10. Taking all of those matters into account, the end sentences imposed concurrently are:
 - a. Sale and supply of cannabis (Count 2) – 1 year 3 months imprisonment; and
 - b. Unlawful possession of cannabis (Count 1) – 1 year 1 month imprisonment.
11. The sentences are imposed to denounce the offending, to protect the community, to deter you and others, and to hold you accountable for your criminal conduct.
12. You have spent 5 months and 20 days in custody (8 October 2025 to date), an effective imprisonment term of 11 months and 10 days. As you have already



served that time, the remaining period to serve of your sentences is 3 months and 20 days.

13. 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."
14. 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 your prior clean record, your cooperation with the Police, your strong community and family support, that you have served time in custody for this offending and you have prospects of rehabilitation. You are stated to be remorseful and that having served time in custody, you will not offend again. These favour suspension of the sentence. In view of the circumstances, the Court is exercising its discretion to suspend the remaining part of your sentences of imprisonment of 3 months and 20 days.
15. The remaining part of your sentences of imprisonment of 3 months and 20 days is suspended for 12 months 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 12 months, 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.
16. In addition, you are to complete 100 hours of community work within the next 12 months, and supervision for 12 months. You are to attend the "Niu Rod Program" facilitated by the Probation Services of the Department of Correctional Services as well as any other rehabilitation program that may be offered to you.
17. You have 14 days to appeal the sentence.
18. The drugs are to be destroyed.

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


Justice Viran Molisa Trief

