

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

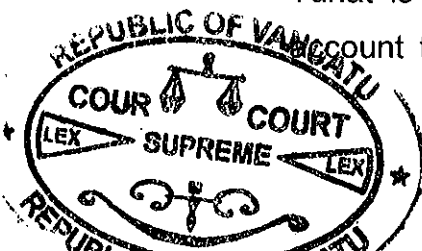
Criminal Case No. 18 of 2010

**PUBLIC PROSECUTOR  
V.  
PAUL TUNAT**

*Coram:* Justice N. R. DAWSON  
*Date of Decision:* 14<sup>th</sup> May, 2010  
*Counsels:* Mr. G. Takau for Public Prosecutor  
Mr. T. Loughman for the Accused

**SENTENCE**

1. Mr. Tunat appears in Court today for sentencing on a charge of possession of cannabis which has a maximum sentence of 5 years imprisonment.
2. Sometime on 14<sup>th</sup> March 2009, a policeman on Malekula informed the Police that Mr. Tunat, who was a escapee at the time, had boarded a boat and sailing to Port Vila. When he arrived in Port Vila he was arrested and he was searched by the police who confiscated a red bag the defendant was carrying at that time. Inside that bag they found some cannabis leaves which was covered up in news paper.
3. I have read the Probation Report and I have also read the submissions that have been filed in the Court by your counsel. In sentencing you Mr. Tunat is necessary to denounce your behaviour but also to taken into account the relative seriousness of this crime in comparison with other




offences. There are aggravating features to your offending. The first is the amount of cannabis. There were 9 parcels of cannabis totaling over 1000 grams of cannabis material altogether. In addition you have a number of previous convictions on your record and you are presently serving a term of imprisonment. In mitigation, you have entered a guilty plea at an early stage and you have indicated remorse for your offending. The Probation Report notes that you have very poor community support and have in the past displayed low motivation to your parole conditions. You are currently classify as a high risk prisoner at Correctional Services and you have been placed in the high risk unit and a community based sentence cannot be recommended.

4. I have taken into account the submissions that have been make to the Court and in my view an appropriate the sentence is a term of imprisonment of 18 months. After considering the aggravating features I have already mentioned that should be increased to 24 months. After allowing a discount for the mitigating factors it should be reduced to 16 months. I then take into account that you presently serving a sentencing imprisonment for 10 years and apply the totality principle. On that basis you are convicted and sentenced to a term of imprisonment of 10 months to be served cumulatively on top of your existing term of imprisonment. I also order the destruction of the cannabis material.
5. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

**DATED at Port Vila, this 14<sup>th</sup> day of May, 2010.**

**BY THE COURT**

  
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**N. R. DAWSON**  
Judge.

