

PUBLIC PROSECUTOR

V

BRUNO BATIST

Coram: Justice Mary Sey

Counsel: Mr. Lenry Young for Public Prosecutor
Mr. Harrison Rantes for the Defendant

Date of Decision: 20 September 2016

SENTENCE

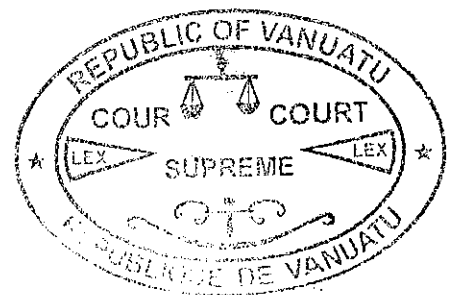
1. **Bruno Batist**, you pleaded guilty on 9 August 2016 to a charge of being in possession of Prohibited Substance and Materials contrary to section 2 (62) Dangerous Drugs Act [CAP 12] which provides that:

"The possession of cannabis in Vanuatu except as provided in section 3 is prohibited."

Section 17 sets out the penalty for such an offence in the following terms:

"Punishable by a fine not exceeding VT 100 million or to a term of imprisonment not exceeding 20 years or to both such fine and imprisonment."

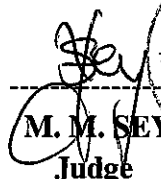
2. You were convicted accordingly and you appear today for sentence. No dispute is taken with the summary of the facts presented by the prosecutor. You accept that the offending, which occurred in 2010, was reported to the police by Peter Tasale who at the material time was a Police Officer at the Silawia Police Station. You work as a builder and you reside at Paunagisu Village, Efate.
3. Although the test reveals that the substance tested positive for cannabis THC with a weight of 13.16 grams, it is noteworthy that no evidence has been adduced before Court that they were for supply or commercial purposes. I also note that there has been an inordinate delay in processing this matter since 2010.

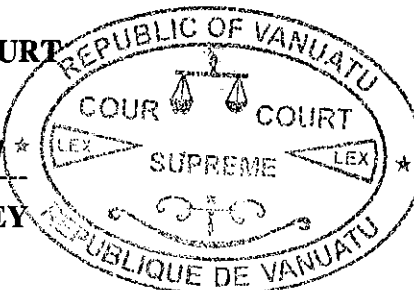


4. Nonetheless, the reality is that cannabis is an illegal substance in Vanuatu and a sentence to mark the seriousness of the offending and to deter both the defendant and others from involvement with cannabis is required.
5. I have been greatly assisted by the prosecution and defence submissions and I note from the memorandum issued by the probation officer that there is no pre-sentence report because you did not turn up for the interview. There are mitigating factors which your defence counsel has submitted should be taken into consideration, in particular, that you are a first time offender with no previous conviction and that you cooperated well with the Police and admitted your actions. Moreover, that you pleaded guilty at the first available opportunity and this is a sign of remorse and contrition. This early guilty plea would allow the Court to deduct 1/3 of any sentence to be imposed on you. See *PP v Gideon* [2002] VUCA 7.
6. In sentencing you it is necessary for the Court to hold you accountable for your actions. The fundamental requirement is that the sentence imposed should act as a deterrent to other persons minded to engage in a similar activity. As a starting point, you are hereby sentenced to 12 months imprisonment which is reduced by 1/3 for your guilty plea. I further reduce your sentence by 4 months to reflect your remorsefulness and other mitigating factors. This brings your end sentence to 4 months suspended for a period of 2 years. That means that if you keep out of trouble for the next 2 years then you will not go to prison but if you commit an offence during that 2-year period you will be required to serve the 4 months prison sentence as well as the sentence for the further offending.
7. In addition to your suspended sentence, I order you to perform 50 hours of community work.
8. You have 14 days to appeal against this sentence if you do not agree with it.

DATED at Port Vila, this 20th day of September, 2016.

BY THE COURT


M. M. SEY
Judge

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The text "REPUBLIC OF VANUATU" is written along the top inner edge, and "REPUBLIQUE DE VANUATU" along the bottom inner edge. In the center, the words "COUR" and "COURT" are positioned on either side of the scales, with "SUPREME" below them. Two small triangles containing the word "LEX" are also present.