

PUBLIC PROSECUTOR

-v-

SIO KALO

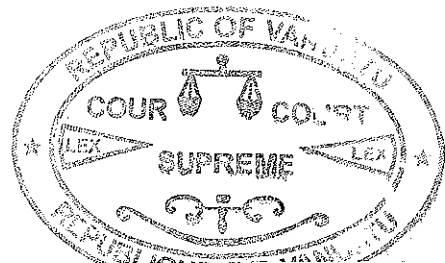
Coram: *V. Lunabek- CJ*

Counsels: *Mr Tristan Karae for Public Prosecutor
Ms Kylie Bakeo for the Defendant*

Date of Delivery: *18th August 2017*

SENTENCE

1. On 2 August 2017, you entered guilty pleas on count 1 for sale of cannabis substance and possession of cannabis substance in count 2.
2. Both offences are prohibited by ss. 2(62) of Dangerous Drugs Act [Cap 12].
3. Police Inspector Morris Seule is the complainant of this case. He lodged the complaint against you on 27th April 2017 at 22.00 pm o'clock for committing those offences after witnesses provided information that you Sio Kalo sold cannabis on many occasions to them and to others at various places around Port Vila.
4. On 27th April 2017 at 20.40 pm o'clock at Bamboo nakamal Inspector Morris Seule approached you. He arrested you and made a search

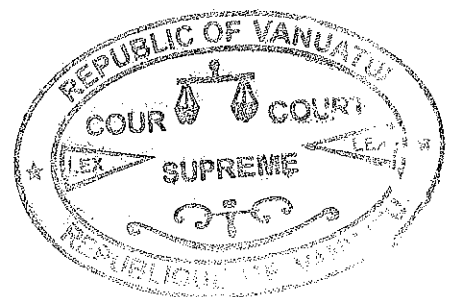


on you for suspecting were in possession of cannabis substance and you sold cannabis substances. He found inside your bag a substantial amount of substances wrapped in aluminum foil paper which was suspected to be cannabis substances.

5. You were brought to Port Vila Police Station. There, the police officers removed the suspected items from your bag and the following were discovered:
 - 42 small rolls of suspected cannabis.
 - 4 big rolls of suspected cannabis.
 - Cash at VT34, 200.
6. On 4th May 2017, police officer Cook Thompson compiled a crime scene report which included the photos of the handbag that was confiscated from you including the suspected cannabis materials.
7. On 9th May police officer John Edmanley conducted the examination of the suspected cannabis and the result of the test showed that it was positive and the weight of the substance was 349.54 grams.
8. On 28th April 2017 you were cautioned and interviewed. You made no admission.
9. The pre-sentence report shows that you are 32 years of age. You are from Tongoa Island who reside at Manples area (Efate). You were selling cannabis to help you and cannabis farmers financially. This is clearly a defiance to the law. It is a serious aggravation to your offending which is a coupled with the 349.54 grams of cannabis you have at the time and the amount of VT34,200 as a result of sale.



10. I read and consider the prosecution submissions. I also read and consider the submissions made by your lawyer on your behalf. I bear in mind of the Guideline judgments in this type of offending and in particular the Court of Appeal judgment in the Wetul case (*Wetul –v- Public Prosecutor [2013] VUCA 26*).
11. The circumstance of your offending in this case is consistent with category 2 in the Wetul Guideline. I sentence you to 3 years imprisonment on both counts concurrently.
12. In mitigation, you plead guilty at the earliest opportunity given to you by the Court. I will allow one third discount of your total sentence of 3 years. Your sentence is now reduced to 2 years. I give a further discount of 4 months to reflect your other mitigating factors:-
 - You are a first time offender
 - You are remorseful and say sorry for your mistake.
 - You regret your offending and you say you are not going to re-offend again in the future.
13. The next question is whether I should suspend your imprisonment sentence of 8 months.
14. The serious nature of your offending and the circumstance of your offending as a cannabis drug dealer do not justify that I suspend your imprisonment sentence of 8 months.
15. The Court makes the following orders:

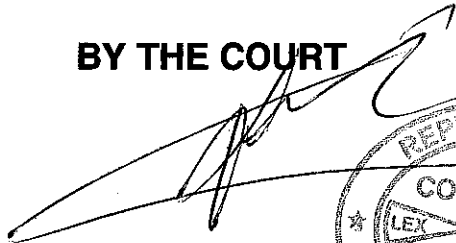


- i- You are ordered to serve 8 months imprisonment with immediate effect.

- ii- You have 14 days to appeal this sentence if you are unsatisfied.

DATED at Port Vila, this 18th day of August, 2017

BY THE COURT



**V. LUNABEK
Chief Justice**

