

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

Criminal Case No. 1956 of 2017

PUBLIC PROSECUTOR

-v-

JINO PAKO

Coram: V. Lunabek- CJ

Counsels: Mr Philip Toaliu for Public Prosecutor
Ms Kylie Bakeo for the Defendant

Date of Delivery: 18th August 2017

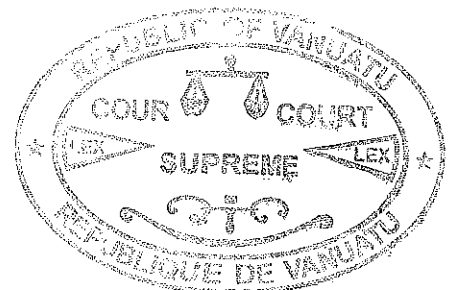
SENTENCE

1. Jino Pako, this is your sentence. On 2 August 2017, you entered guilty pleas to one count of possession of cannabis and one count of selling cannabis.
2. Both offences are contrary to section 2 (62) of Dangerous Drugs Act [Cap 12]. As I have pointed this morning in the sentence of Sio Kalo I handed down earlier, the maximum penalty is ranging from a fine up to 100 Million Vatu or a term of imprisonment up to 20 years. It is a serious offence.
3. You are from Tongariki Island and you reside at Manples Kokoriko in Port Vila. You are 32 years old and you live with your partner.
4. A complaint was made against you on the 20th February 2017. The complaint against you was made after information surfaced that you had in your possession cannabis substances and you were selling

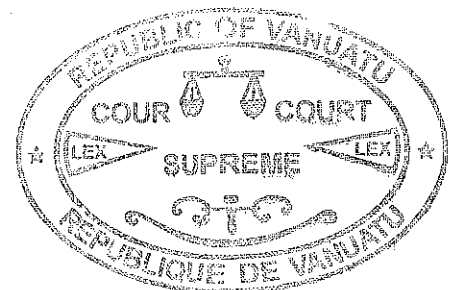


cannabis substances to interested members of the public from your residence at Manples Kokoriko.

5. The complainant being a police officer. He then went to Manples and intercepted three boys at the area and questioned them on these reports.
6. They admitted and told the complainant that they have been purchasing marijuana (cannabis substances) from you.
7. The complainant then called the police patrol vehicle and they attended into your house.
8. They searched your house upon their reasonable suspicion you were in possession of cannabis substances.
9. When they searched your house, they found a bag of rice filled with dried marijuana leaves.
10. They took the bag, arrested you and took you to the police station.
11. The suspected cannabis substances were tested. The test was positive for cannabis and weighed 0.5 kg.
12. On 20th February 2017, you were interviewed and you admitted to the offences alleged against you.
13. A pre-sentence report was provided to assist the Court. I read and consider it when I consider your sentence.



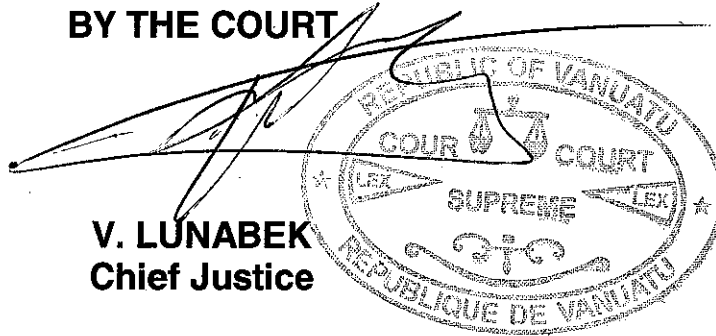
14. I read and consider the submissions made by the Public Prosecutor. I also read and consider the submissions made by your lawyer on your behalf. I further consider and apply the Guideline Judgment in *Wetul -v- Public Prosecutor [2013] VUCA 26*.
15. The circumstance of your offending is within category 2 of the Wetul Guideline. I sentence you to 2 years imprisonment on both counts concurrently.
16. In mitigation, I reduce your sentence to one third for your guilty plea at the first opportunity given to you by the Court. I reduce your sentence further for 4 months to reflect your remorsefulness, your previous good character and cooperation with the police.
17. The balance of your sentence is 12 months imprisonment.
18. You have spent two weeks and three days from 20/02/2017 to 09/05/2017 on remand. I now take into account the time you have already spent in custody before you are sentence on your favour.
19. Your end sentence is 11 months 2 weeks and 7 days imprisonment.
20. I ask myself whether the circumstance of your offending justify that I suspend your 11 months 2 weeks and 7 days imprisonment sentence.
21. In this case I consider it to be a serious offence to be in possession of 0.5 Kg cannabis and sell it to the people and particularly young people. I decline to suspend your term of imprisonment of 11 months and 2 weeks.



22. You are ordered to serve that imprisonment term with immediate effect.
23. You have 14 days to appeal this sentence if you are unsatisfied with it.

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

BY THE COURT



**V. LUNABEK
Chief Justice**