

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU

Criminal  
Case No. 18/2563 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Victor Johnson

Defendant

*Date:* 21 December 2018  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Ms M. Tasso for the Public Prosecutor  
Mr L. Moli for the Defendant

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**SENTENCE**

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A. Introduction

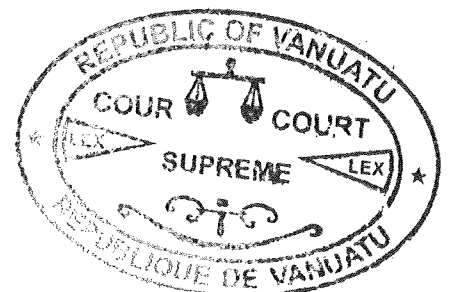
1. Mr Johnson pleaded guilty to a charge of possession of dangerous drugs. The maximum penalty for this offence is 20 years imprisonment and/or a fine of VT 100 million.

B. Facts

2. On 5 August 2018 Mr Johnson was at Lenakel on Tanna Island, on his way to visit family on Aneityum, when he was apprehended boarding a ship. He was searched and some cannabis was found in his backpack. The total weight of cannabis was 92 grams. He admitted the offending immediately.

C. Aggravating Factors and Mitigating Factors of the Offending

3. There are none.



D. Start Point

4. The start point for this offending, as required to be identified by *PP v Andy* [2011] 14, I set at 6 months imprisonment.
5. I take note of *Wetul v PP* [2013] VUCA 26 where 3 bands were set in relation to cultivation of cannabis. However, I have been unable to find any Court of Appeal decision setting out sentencing guidelines for possession of cannabis.

E. Personal Factors

6. Mr Johnson is only 17 or 18 years of age, single, and unemployed from Tanna. He has no previous convictions. He is said to be remorseful and a contributing member of his family. He was remanded in custody for almost 1 month before being granted bail. Those mitigating personal factors significantly reduce Mr Johnson's criminal culpability.
7. Mr Johnson is entitled to further credit for his prompt plea.

F. End Sentence

8. The end sentence imposed on Mr Johnson is 12 months supervision and 50 hours Community Work.
9. He has 14 days to appeal the sentence if either disagrees with it.

Dated at Port Vila this 21st day of December 2018  
BY THE COURT

  
Justice G.A. Andrée Wiltens

