

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

Criminal  
Case No. 19/2384 C/CRML

**BETWEEN: Public Prosecutor**

**AND: Joshua Matahu Mansi**  
Defendant

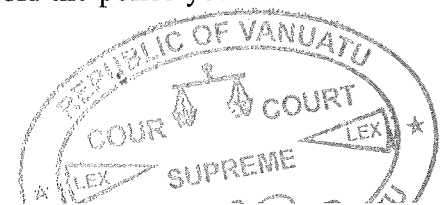
*Date of Plea:* 1<sup>st</sup> October 2019  
*Date of Sentence:* 1<sup>st</sup> November 2019  
*Before:* Justice Oliver Saksak  
*In Attendance:* Georgina Kanegai for Public Prosecutor  
Lorenzo Moli for the Defendant

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SENTENCE

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1. Joshua Matahu Mansi, you are for sentence today for having pleaded guilty to one charge of possession of cannabis contrary to section 2 ( 62) of the Dangerous Drug Act [ Cap 12].
2. The maximum penalty for this offence is a fine not exceeding VT 100 million or imprisonment for a term not exceeding 20 years or to both.
3. The very heavy fine and the lengthy term of imprisonment clearly suggest the offence you admitted committing is a very serious offence.
4. The facts are simple. On 30<sup>th</sup> March 2016 you were drunk and were harassing the staff of the Western Union Branch at the Pilioko Building in town. The Police were called onto the scene wo arrested you and brought you to the Police station. When Police questioned you, you just laughed. This gave rise to suspicion that you had smoked marijuana. The Police therefore searched you and found 141.91 grams of cannabis substance in your black bag. The police found also some Australian coins and vatu coins and notes, which they counted. The total amount was VT 16.365. The Police tested the substance and confirmed it to be cannabis. You were therefore in possession of cannabis which is contrary to law. You were cautioned under oath but admitted to possessing cannabis on that date. You told the police you bought cannabis from a boy named Jean pi at Simbolo area for VT 5.000. You told the police you had



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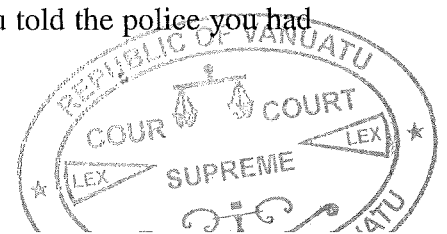
*Date of Plea: 14<sup>th</sup> October 2019*  
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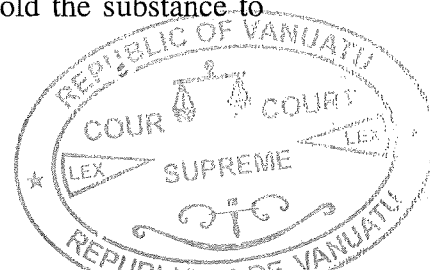
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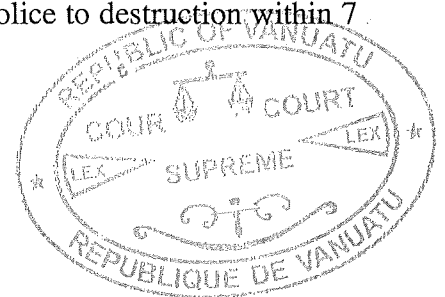


smoked marijuana and was selling some to tourists who had arrived on a cruise ship that day.

5. You are therefore convicted of the charge of possession of cannabis.
6. The principles of sentencing of cannabis cases are laid down by the Court of Appeal in Naio.v. PP [ 1998] VUCA 1 which are binding on this Court. In sentencing you today I must consider the particular circumstances of your case and impose a sentence that is appropriate.
7. I note some other case authorities cited by the Prosecution such as PP.v. Miles Kisale [ 2011] VUSC 56, PP.v. Frank Tabi & Isaac David Tomaki Crc 17/2014 and PP.v. Joe [ 2011] VUSC 4.
8. In comparison the quantity in Miles case was 143.53 grams just slightly higher than the quantity in your case. He was sentenced to 16 months imprisonment but reduced to 12 months imprisonment suspended for 2 years with 80 hours of community work.
9. In the Tabi and Tomaki case Tomaki had 128.40 grams and Tabi had 173.75 grams of cannabis. Both were sentenced to 12 months imprisonment suspended for 2 years with 80 hours of community service.
10. Prosecutions urge the Court to adopt the same sentencing approach. I have seen any submissions from defence counsel Mr Moli. But I have not seen the pre-sentence report from the Probation Service despite clear directions issued on 1<sup>st</sup> October.
11. The aggravating features that add seriousness to your offending were that (a) you had smoked some marijuana on the date of offending and was under its influence, ( b) you harassed staff of the Western Union, (c) you acted in disorderly manner by pouring water on desks and computers of the Western Union staff, (d) you had mixed coins and currency amounting to VT 16, 365 on your person that day indicating you were selling cannabis (e) you expressed no remorse for your actions, (f) the quantity of substance found on you being 141.91 grams and (g) that you sold the substance to others for al iving.



12. Taking all these together with your offending, I am of the view that in order to deter you and others from committing this offence, a higher starting sentence should be imposed. I therefore sentence you to a starting sentence of 20 months imprisonment.
13. In mitigation I note that in 2016 when you committed this offence you were 19 years old. You are now probably 22 years old. I note you cooperated well with the police by admitting the offence and detailing where you bought the substance from and from who and for how much.
14. For these factors I allow a reduction of your 20 months sentence by 2 months down to 18 months imprisonment.
15. I allow a further reduction of 1/3 for your guilty plea at first opportunity, considering the delay of more than 3 years from 30 March 2016. Six (6) months are deducted from 18 months leaving your end sentence to be 12 months imprisonment.
16. You are therefore sentenced to an end sentence of 12 months imprisonment. Your sentence is however suspended for a period of 2 years under section 57 of the Penal Code Act. This means you will not go to prison today being a first-time offender. I am giving you a chance to get out of this habit. If you do not do so within 2 years and you commit the offence again or any other offence for which you would be charged and convicted, you will go to prison to serve your term of imprisonment.
17. In addition, I sentence you to 80 hours of community work which you must perform in the next 12 months. I direct that you perform your 80 hours of community work by clearing the bushes currently growing on the site of the Supreme Court Building that was burned down in June 2007, under the supervision of the Probation and Correctional Services.
18. That is the sentence of the Court. You have a right of appeal against this sentence if you do not accept it within 14 days.
19. I condemn the cannabis substance in the custody of the Police to destruction within 7 days from the date of this order.



DATED at Port Vila this 1<sup>st</sup> day of November 2019

BY THE COURT



OLIVER.A.SAKSAK

Judge

