

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

Criminal  
Case No. 20/959 SC/CRML

PUBLIC PROSECUTOR

v

NONO PAKOA

Date: 19 August 2020  
By: Justice V.M. Trief  
Counsel: Public Prosecutor – Mr K. Massing  
Defendant – Mr F.D. Tasso

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SENTENCE

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A. Introduction

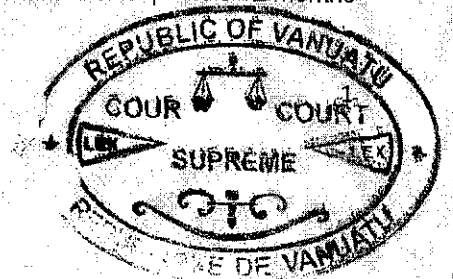
1. Mr Pakoa pleaded guilty to possession of 221.5 grams of cannabis.

B. Facts

2. On 14 February 2020, Mr Pakoa was seen with a white bilum bag near the MV Urata, anchored at the former Government wharf in Port Vila. He was searched on suspicion of possession of cannabis.
3. Inside the bag police located a package containing suspected cannabis. It was tested and confirmed to be 221.5 grams of cannabis.
4. Mr Pakoa admitted that the cannabis belonged to him and that he had brought it to Port Vila to sell.

C. Sentence Start Point

5. Taking into account that the maximum penalty for such offending is 20 years imprisonment, and/or a fine of up to VT100 million, the quantity of drugs possessed, and the nature of Mr Pakoa's offending as an intended supplier, the appropriate sentence start point is 12 months imprisonment.



D. Plea

6. The early guilty plea warrants a one third deduction (4 months).

E. Personal Factors

7. Mr Pakoa is 32 years old, with no previous convictions. He earns a living through gardening and his small kava plantation. He lives on South Epi with his parents, de facto partner and their two young children aged 6 and 3 months old.
8. Mr Pakoa co-operated with the police. He is said to be remorseful and told the pre-sentence report writer that he will not offend again. He has participated in a custom reconciliation ceremony with his partner and their families. His chief is strongly supportive of him.
9. For his personal factors, I reduce the sentence start point by 3 months.

F. End Sentence

10. The end sentence that I impose is one of 5 months imprisonment, commencing from 16 August 2020 to take into account the 3 days that Mr Pakoa spent in custody. The sentence is wholly suspended as Mr Pakoa's rehabilitation prospects are very good. He has the support of his chief and de facto partner. He took part in a custom reconciliation ceremony, and he pleaded guilty immediately.
11. The suspension is to run for 24 months. Mr Pakoa therefore needs to remain offence-free for 24 months in order to be able to remain in the community.
12. Mr Pakoa is also to serve 100 hours of community work.
13. The drugs are to be destroyed.
14. Mr Pakoa has 14 days to appeal this sentence if he disagrees with it.

DATED at Morua, Tongoa this 19<sup>th</sup> day of August 2020  
BY THE COURT

  
Viran Molisa Trief  
Judge

