

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

Criminal  
Case No. 20/964 SC/CRML

PUBLIC PROSECUTOR

V

MARK ANDREW

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

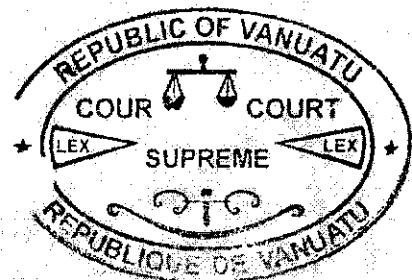
1. Mr Andrew pleaded guilty to possession of 1,692.5 grams of cannabis.

B. Facts

2. On 14 February 2020, Mr Andrew was seen near the MV Urata, anchored at the former Government wharf in Port Vila. He was searched on suspicion of possession of cannabis.
3. The police located suspected cannabis inside his bag. It was tested and confirmed to be 1,692.5 grams of cannabis.
4. Mr Andrew admitted that he brought the cannabis which belonged to him and other members of this family to sell in Port Vila.

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 Andrew's offending as an intended supplier, the appropriate sentence start point is 24 months imprisonment.



D. Plea

6. The early guilty plea warrants a one third deduction (8 months).

E. Personal Factors

7. Mr Andrew is 28 years old, with no previous convictions. He is a gardener and skilled fisherman. Mr Andrew's ambition is to start a small fishing business. He lives on Epi island with his parents, de facto partner and three young children aged 5, 3 and 2.

8. Mr Andrew co-operated with the police. He is said to be remorseful, telling the pre-sentence report writer that he is sorry for his offending and that he will live with the guilt knowing that he has tarnished his family's reputation and has brought shame to his dad. Mr Andrew stated that an older friend gave him the bag of cannabis to bring to Port Vila. He knew what was in the bag and but was scared he might get into trouble on his return to Epi if he did not do as his friend requested. He stated that will not offend again in the future. He has participated in a custom reconciliation ceremony with his parents. He has strong community support with his chief speaking highly of him.

9. For his personal factors, I reduce the sentence start point by 4 months.

F. End Sentence

10. The end sentence that I impose is one of 12 months imprisonment, commencing on 16 August 2020 to take into account the 3 days that Mr Andrew spent in custody. The sentence is wholly suspended as Mr Andrew's rehabilitation prospects are very good. His chief speaks highly of him and he has the support of his father and family. He took part in a custom reconciliation ceremony, and he pleaded guilty immediately.

11. The suspension is to run for 24 months. Mr Andrew therefore needs to remain offence-free for 24 months in order to be able to remain in the community.

12. Mr Andrew is also to serve 150 hours of community work and undertake the "Niu Rod Program" facilitated by the Department of Correctional Services Probation Services.

13. The drugs are to be destroyed.

14. Mr Andrew 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

