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

Criminal Case No. 24/2021

PUBLIC PROSECUTOR

v

ARNOLD CHARLEY

*Defendant*

**Coram:** *Justice Oliver A. Saksak*

**Counsel:** *Ms Laura Lunabek for Public Prosecutor*  
*Mr Jim Vohor for Defendant*

**Dates of Plea:** *17<sup>TH</sup> July 2024*

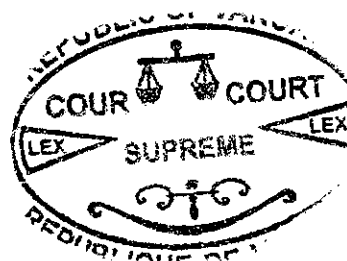
**Date of Sentence:** *23<sup>rd</sup> July 2024*

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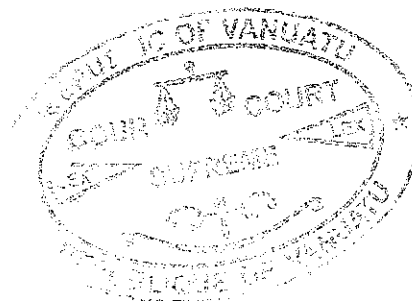
## SENTENCE

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1. On 17<sup>th</sup> July 2024 the defendant pleaded guilty to one charge of possession of cannabis contrary to section 2 ( 62) of the Dangerous Drugs Act [ Cap 12]. And he is here for sentence today.
2. The Court convicts and sentences the defendant on his own guilty plea.
3. On 10 May 2024 at Show Ground, the defendant was found in possession of 154.84 grams of cannabis. The Police upon search found cannabis rolled up in aluminium foil and kept in the defendant's black hand bag in his house. The Police found some sticks or stems of cannabis plants also in the defendant's kitchen which they weighed up to the net weight of 184.84 grams. That is a lot of cannabis substance which the defendant on his admission to the Police show he had been selling the substances to other boys as well.
4. There are no mitigating circumstances for his offending. But there are clearly aggravating features such as supply and sale to other people and the large quantity of the substance found in the possession of the defendant. It appears he is a habitual user and dealer in cannabis.



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5. I note the cases referred to by Ms Lunabek and Mr Vohor in their sentencing submissions. I agree with the Prosecutor that this case falls within category 2 as established by the Court of Appeal in Wetul v PP [ 2013] VUCA 26.
  6. In the defendant's case the appropriate punishment shall be a custodial sentence and I adopt a start sentence of 3 years imprisonment to mark the gravity of the offendings, to mark a general deterrence to the defendant and like-minded persons, to mark public condemnation for his unlawful actions, to protect the public and to punish the defendant adequately.
  7. The defendant is sentenced to a start sentence of 3 years imprisonment for unlawful possession of cannabis.
  8. In mitigation I allow 1/3 reduction of his sentence by 1 year leaving the balance to be 2 years imprisonment.
  9. Next, for his clean past record, and other factors personal to him there is a further reduction of his sentence by 5 months. His end sentence shall therefore be 1 year and 7 months imprisonment.
  10. The sentence of imprisonment shall not be suspended but it is backdated to 10 May 2024 when he was first remanded in custody.
  11. The defendant is entitled to apply for parole after having served half of his sentence of 1 year 7 months or 19 months imprisonment.



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12. That is the sentence of the Court for the defendant. He has a right of appeal within 14 days if he so chooses.

DATED at Luganville this 23<sup>rd</sup> day of July 2024

BY THE COURT

  
Hon. OLIVER A SAKSAK

Judge

