

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

**Criminal**  
**Case No. 24/3336 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**EASON BONG**

Date of Plea: 2 December 2024  
Date of Sentence: 6 December 2024  
Before: Justice M A MacKenzie  
In Attendance: Public Prosecutor – Ms J Tete  
Defendant – Ms B Taleo

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**SENTENCE**

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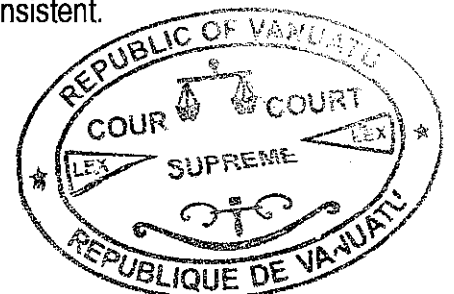
1. Mr Eason Bong, you appear for sentence having pleaded guilty to one charge of possession of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

**The Facts**

2. On 4 July 2024 police saw you acting suspiciously in Luganville town. Police stopped and searched you. You were found to be in possession of cannabis. The cannabis was in your bag. Testing confirmed it was cannabis, with a net weight of 51.030 g.
3. Under caution, you admitted the allegations.

**Sentencing purposes/principles**

4. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were in possession of cannabis. Cannabis is an illegal drug which causes social harm. The sentence should ensure you take responsibility for your actions, and help you to rehabilitate. It must also be generally consistent.



### **Approach to sentence**

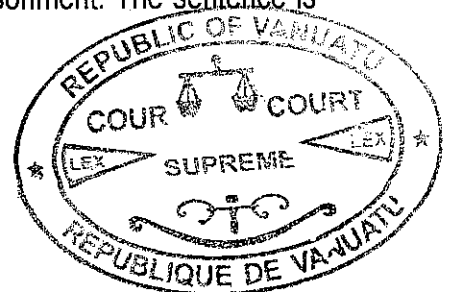
5. Sentencing involves 2 separate steps; *Jimmy Philip v Public Prosecutor* [2020] VUCA 40, which applied *Moses v R* [2020] NZCA 296.

### **Starting point**

6. The first step is to set a starting point taking into account the aggravating and mitigating features of the offending itself and the maximum penalty for the offence.
7. The one aggravating factor is the quantity of cannabis, being 51.030 g.
8. There are no mitigating features of the offending itself.
9. There is a guideline case for cannabis cultivation, *Wetul v Public Prosecutor* [2013] VUCA 26. It also applies to possession of cannabis. Here, the offending involves a relatively modest amount of cannabis for personal use. There is no evidence of commerciality here at all. Therefore, it falls within Category 1 of *Wetul*. So, the usual sentencing outcome would be a fine or other community-based sentence, or a short custodial sentence.
10. The offending in the present case is broadly comparable with the quantity of cannabis possessed in *Public Prosecutor v Norixon* [2024] VUSC 213, and *Public Prosecutor v Rapuel* [2024] VUSC 274. *Norixon* involved 58.5 g of cannabis and *Rapuel* involved 48 g of cannabis. The starting point adopted in each case was 12 months imprisonment.
11. Consistent with *Norixon* and *Rapuel*, I adopt a starting point of 12 months imprisonment.

### **Guilty plea and personal factors**

12. While you pleaded guilty at an early opportunity, I agree that the discount should be limited to 25%. That is because the case against you is overwhelming. This is consistent with *Public Prosecutor v Raptick* [2023] VUSC 226. That equates to a reduction of 3 months from the starting point.
13. You are aged 25 years and are from Ambrym. You live in the Showgrounds area with relatives. You are a first offender with no criminal history and were co-operative with police. For your prior good character, and cooperation with police, I reduce the starting point by 1 month's imprisonment, which equates to approximately 8 %.
14. You were remanded in custody between 5 July -9 August 2024, a period of 5 weeks. That equates to an effective sentence of 2 ½ months imprisonment. The sentence is reduced by 2 ½ months for this factor.



**End Sentence**

15. The end sentence is 5 ½ months imprisonment.
16. Taking into account the circumstances, the nature of the offending and your character, I have decided to suspend the sentence pursuant to s57 of the Penal Code for a period of 18 months. First, this is because you were in possession of the cannabis for personal use. There is no suggestion of commercial use. Second, you are a first offender and accepted responsibility. In those circumstances, suspending the sentence will meet the need for accountability, deterrence and denunciation and will promote in you a sense of responsibility.
17. If you offend again in the next 18 months, you will need to serve the sentence of imprisonment in addition to any other penalty that may be imposed for the further offending.
18. You are also sentenced to 6 months supervision and 60 hours community work to assist in your rehabilitation and to mark the offending.
19. The cannabis material is to be destroyed.
20. You have 14 days to appeal.

**DATED at Port Vila this 6th day of December 2024.  
BY THE COURT**

*name:* \_\_\_\_\_  
.....  
Justice M A MacKenzie

