

**PUBLIC PROSECUTOR**

**v**

**KEITH TITUS**

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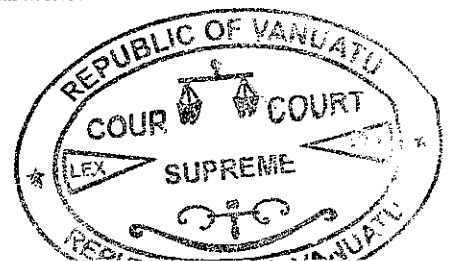
1. Mr Keith Titus, you appear for sentence having pleaded guilty to one charge of possession of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

**The Facts**

2. On 6 September 2024, police executed a search warrant at your home address as they had received information that you were packing and selling cannabis to teenagers in Luganville. Police confiscated suspected cannabis materials wrapped in aluminium foil. Police arrested you at your workplace. During the arrest, police confiscated material suspected to be cannabis in your trousers. Testing confirmed that the suspected cannabis material was cannabis with a net weight of 50 g.
3. You were cautioned and admitted the allegations to police. You told police it was for your personal use but that sometimes you sell it to teenagers who ask for it.

**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. The sentence should ensure you take responsibility for your actions and help you to rehabilitate. It must also be generally consistent.



### **Approach to sentence**

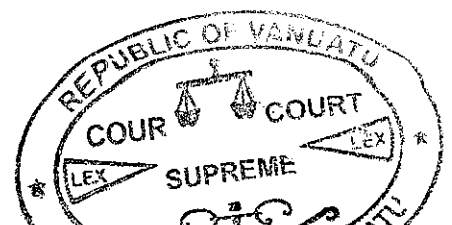
5. Sentencing involves 2 separate steps; *Jimmy Philip v Public Prosecutor* [2020] VUCA 40, which applied *Moses v R* [2020] NZCA 296.

### **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 aggravating factors are the quantity of cannabis, being 50 g and that sometimes you sell cannabis to teenagers, who are impressionable and vulnerable because of their age. There are no mitigating features of the offending itself.
8. Both counsel filed submissions based on the quantity of cannabis being less than 1 g. However, the prosecutor has confirmed that the actual amount of the cannabis is 50 g. I required you to plead to the charge as the charge set out in the Information records the cannabis as being less than 1 g.
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 moderate amount of cannabis mainly for personal use. But there is evidence of infrequent sales, given your admissions to police. Therefore, it falls within Category 1 of *Wetul*, but at the higher end. So, the usual sentencing outcome would be a fine or other community-based sentence. A short term of imprisonment could be warranted in some circumstances.
10. As you have admitted selling cannabis sometimes, I consider that the starting point is a term of imprisonment. 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. I adopt a starting point of 14 months imprisonment, which is slightly higher than the starting point adopted in *Norixon* and *Rapuel*. That is to reflect that fact that you possessed cannabis for not only personal use but sometimes sold it to teenagers.

### **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 3 ½ months.
13. You are aged 38 years, and you have a partner and 3 children. You are a first offender and were co-operative with police. You were employed but were laid off following your



release from custody. The sentence is reduced by 1 month for these factors, which equates to about 7 percent.

14. In Ms Taleo's written submissions, she notes that you were remanded in custody between 7 September and 2 October 2024, a period of 3 weeks and 5 days. That equates to an effective sentence of approximately 2 months imprisonment. The sentence is reduced by 2 months for that factor.

### End Sentence

15. The end sentence is 7 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 a moderate amount of the cannabis, mainly for personal use, although on your own admission, you sometimes sold cannabis to teenagers. 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**

