

PUBLIC PROSECUTOR

V

ALEX BATICK

Coram: *Hon. Chief Justice V. Lunabek*

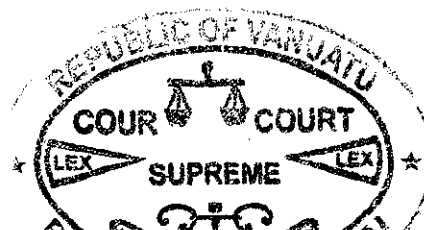
Counsel: *Mr J Aru for the State*
Ms B Taleo for the Defendant

Date of Pleas: *22 April 2024*

Date of Sentence: *23 May 2024*

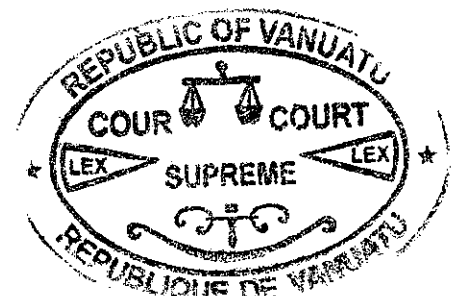
SENTENCE

1. Mr Alex Batick ("*Mr Batick*"), you appear for sentence today having being pleaded guilty to one charge of cultivation of cannabis plants, contrary to Section 4(1) of the Dangerous Drugs Act [CAP. 12].
2. A formal complaint was made against you, Mr Batick, for the offence of cultivation of cannabis plants which is prohibited by the laws of the Republic of Vanuatu.
3. The offending took place sometimes in November 2023 in Lorlow Village on the South West part of the Island of Malekula. The police had information that you were involved in the cultivation of cannabis plants. Therefore, an investigation was carried out by the police. During investigation it was revealed that you planted 322 cannabis plants. The cannabis plants seized by the police were then sealed and kept in their custody for presumptive test. The net weight was 12.30 kilograms. The plants



were tested and the presumptive test result shows that the cannabis plants seized by the police were turned to be positive of cannabis.

4. You were arrested, cautioned and interviewed by the police where you admitted the allegations made against you.
5. The offence of cultivation of cannabis plants carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.
6. There is no mitigating factor to the offending, but the following aggravating factors exist:
 - (a) You had a knowledge intention of the nature of the plant in your possession as opposed to being reckless in possessing and cultivating it;
 - (b) You cultivated a total of 322 cannabis plants weighing a net weight of 12.30 kilograms.
7. This case lies under category 2 of Wetul guidelines in *Wetul v Public Prosecutor* [2013] VUCA 26.
8. The sentence start point is 3 years and 6 months imprisonment.
9. In mitigation, Mr Batick, you are 19 years old. You are a first-time offender. You are single with no children. You live with your parents and are dependent on them for support. You are unemployed. You make a living through farming, planting and selling food crops and kava. This is how you are able to help your parents. You cooperated well with the police and made admissions in your cautioned interview. Your cooperation and early admissions have saved the State's resources in bringing this matter to a finality. You have a good relationship with your family and community.
10. I give you a reduction of 3 months for your mitigating factors.
11. I give you a further reduction of 33% for your early guilty plea.



12. The remaining balance of your sentence is 27 months i.e., 2 years and 3 months imprisonment. This is your end sentence.
13. You were remanded at the Luganville Correctional Centre on 22nd November 2023 and were released on bail on 30 January 2024. You have spent a total of 2 months and 9 days in pre-custodial period. This time shall be deducted from your sentence.
14. Your sentence is finally reduced to 2 years and 21 days imprisonment. I consider the nature and circumstances of this offending, I decline to suspend this term of imprisonment sentence.
15. You are ordered to serve 2 years and 21 days imprisonment with immediate effect.
16. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.

DATED at Luganville, Santo, this 23rd day of May, 2024.

BY THE COURT


Hon. Chief Justice Vincent LUNABEK

