

PUBLIC PROSECUTOR v UNES MANIX

Date of Plea: 14 April 2025
Before: Hon. Chief Justice Vincent Lunabek
In Attendance: J Tete for the Public Prosecutor
B Taleo for the Defendant
Date of Sentence: 17 April 2025

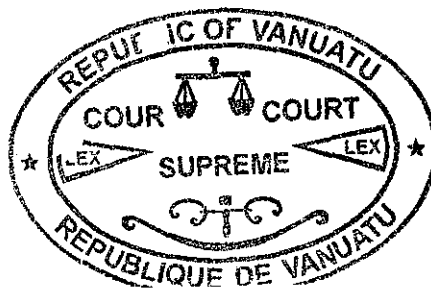
SENTENCE

I. Introduction

1. Ms Manix pleaded guilty and accepted the summary of facts relating to one charge of selling and one charge of possession of cannabis substances, contrary to Section 2(62) of the Dangerous Drugs Act [CAP. 12]. The maximum sentence for those offences is a term of 20 years imprisonment and/or a fine of up to VT100 million.

II. Facts

2. The complainant in this case is a police officer Obed Warsal, who had had suspected that the Defendant had been selling cannabis for a while, so, on the 24th of January 2025, the complainant had given a relative of his, Ruby Berg, money and sent her to go and purchase a roll of cannabis from the Defendant in order to confirm his suspicion. On that day, Ruby Berg went and purchased a roll of cannabis from the Defendant for VT100 and returned and gave it to the complainant.
3. After receiving the roll of cannabis from Ruby Berg, the complainant then alerted the police and they came to the Defendant's house on the same day and arrested her. The police confiscated 37 balls of cannabis in a red box inside the Defendant's house.
4. A cannabis presumptive test was conducted on the substances or material found in the Defendant's house and it further confirmed that the material substances were in fact cannabis with a net weight of 0.020 kilograms.



III. Aggravating and Mitigating Factors of the offending

5. In this case, there were no mitigating factors of the offending, but the following aggravating factors exist:
- The sale of cannabis substances for months from July; and
 - The possession of 37 balls of cannabis substances; and
 - The cannabis substances seized weighed 0.020 kilograms.

IV. Start Point

6. The start point for this offending is set at 2 years imprisonment within category 1 of Wetul case – Wetul v Public Prosecutor [2013] VUCA 26. I consider this as reasonable, given the aggravating factors. However, the quantity of drugs seized is not enormous. The money made as the product of sell of VT100 indicated the commerciality of the cannabis substances but small or moderate.

V. Personal Factors

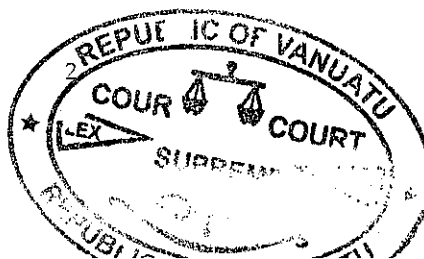
7. Ms Manix is 38 years old. She is the first child of 3 siblings. She is from Lawa Village on South West Bay of Malekula. She said she came to live in Santo many years ago. She lives with a defacto partner, Mr Roger Johnson who worked for MV Tahudba. They have 2 young children of ages 1 and 4.
8. She is a first-time offender. She sells cannabis substances for a finance to make a living. She knew that it is wrong to sell and have in her possession cannabis substances or materials. Ms Manix cooperated with the police at the time of her apprehension when she gave the police 37 balls of cannabis substances and cash she has (about VT10,000).
9. For Ms Manix' mitigation, I reduce the start point of her sentence by 33% for her guilty pleas at the first opportunity given by the authorities. For Ms Manix' other personal factors, I give her a further reduction of her start point sentence by 6 months. She was not remanded. She was on police bail throughout.

VI. End Sentence

10. Taking all of those matters into account, the end sentence that must be imposed is one of 10 months imprisonment.
11. The drugs and the money collected from Ms Manix are to be confiscated.

VII. Suspension

12. The circumstances of this case justify that I exercise my discretion in favour of a suspension of her sentence of 10 months imprisonment. I now suspend it for a period of 2 years. During such a period of 2 years suspension, she must not re-offend. If she re-offends during such a period of 2 years,



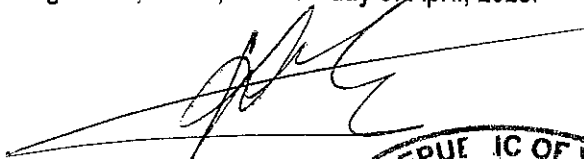
her sentence of 10 months imprisonment will be reactivated in addition to the new charge laid against him.

13. In addition to the suspension of the 10 months imprisonment, I order Ms Manix to perform 50 hours of community work.

VIII. Other

14. Ms Manix has 14 days to appeal this sentence if she disagrees with it.

DATED at Luganville, Santo, this 17th day of April, 2025.


Hon. Chief Justice Vincent Lunabek

