

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

Criminal
Case No. 25/1477 SC/CRML

PUBLIC PROSECUTOR

v

DAREN STONY

Date of Plea: 3 June 2025
Before: Justice M A MacKenzie
In Attendance: Public Prosecutor – M S Sile (Holding papers for Mrs L Lunabek)
Defendant – Mr H Vira

SENTENCE

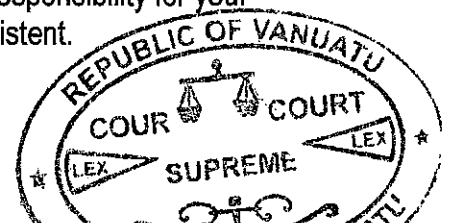
1. Daren Stony, you appear for sentence having pleaded guilty to one charge of possession of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

The Facts

2. On 16 March 2025, police saw cannabis at your property at Erakor. A search was conducted, and the one cannabis plant was uprooted out of the garden. Testing confirmed the plant had a net weight of 1.52 kg.
3. When spoken to by police under caution, you admitted having cannabis in your garden to help heal a sickness. You said you knew it was wrong and you apologised.

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

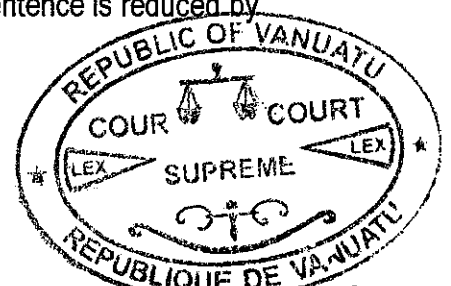
5. Sentencing involves 2 separate steps; *Jimmy Philip v Public Prosecutor* [2020] VUCA 40, which applied *Moses v R* [2020] NZCA 296.

Starting point

6. The first step is to set a starting point, with reference to the maximum penalty and the aggravating and mitigating features of the offending.
7. The one aggravating factor is the quantity of cannabis, being 1.52 kg. There are no mitigating features of the offending itself.
8. There is a guideline case for cannabis cultivation, *Wetul v Public Prosecutor* [2013] VUCA 26. It also applies to possession of cannabis.
9. Here, the offending involves a high amount of cannabis for personal use. There is no evidence of commerciality here . Therefore, it falls withing Category 1 of *Wetul*.
10. The prosecutor submits that a starting point of 16 months- 2 years imprisonment is appropriate. Mrs Karu submits that a non-custodial sentence or community work is the appropriate sentence. A starting point of imprisonment is appropriate when I consider the circumstances and the starting points adopted in *Public Prosecutor v Raptick* [2023] VUSC 226, and *Public Prosecutor v Jack* [2024] VUSC 78. *Raptick* involved 8 packages of cannabis with a net weight of 102.6 g. The starting point was 12 months imprisonment. The starting point here should be higher then than 12 months given the greater quantity of cannabis. In *Jack*, the defendant pleaded guilty to a charge of possession of 1.42 kg cannabis, and a charge of attempted sale and supply of cannabis. The starting point for possession of cannabis was 18 months imprisonment. Commerciality was inferred from the quantity of cannabis. The starting point here should be higher than *Raptick* given the greater quantity of cannabis, but lower than *Jack*, given the absence of any commercial purpose.
11. In the present case, although the quantity of cannabis is large, it was a single plant and there is no evidence of an intention to sell or supply the cannabis. Taking those factors into account, and the cases I have referred to, I adopt a starting point of 15 months imprisonment.

Guilty plea and personal factors

12. The sentence is reduced by 25 percent for the guilty plea. The case against you was overwhelming and there was no option but to plead guilty. The sentence is reduced by 4 ½ months.



13. You are aged 21 years and are from Malekula. You currently live at Erakor, and assist your family, as your father had a stroke. You are a first offender. You cooperated with police. For these factors, I reduce the starting point by 2 ½ months imprisonment, which equates to about 15 percent.

End Sentence

14. The end sentence is 8 months imprisonment.
15. 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 12 months. First, this is because you were in possession of the cannabis for personal use. There is no suggestion of commercial use. Second, you have learnt your lesson, you are relatively young, are a first offender, have family responsibilities and there are prospects of rehabilitation. In those circumstances, suspending the sentence will meet the need for accountability, deterrence and denunciation and will promote in you a sense of responsibility.
16. If you offend again in the next 12 months, you will need to serve the sentence of imprisonment in addition to any other penalty that may be imposed for the further offending.
17. I do not consider that any additional sentence needs to be imposed, as submitted by the prosecutor. That would not be a proportionate sentence, given that I have imposed a suspended sentence, which has consequences.
18. The cannabis material is to be destroyed.
19. You have 14 days to appeal.

DATED at Port Vila this 4th day of September 2025
BY THE COURT

M A Mackenzie
Justice M A MacKenzie

