

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

Criminal
Case No. 25/160 SC/CRML

PUBLIC PROSECUTOR

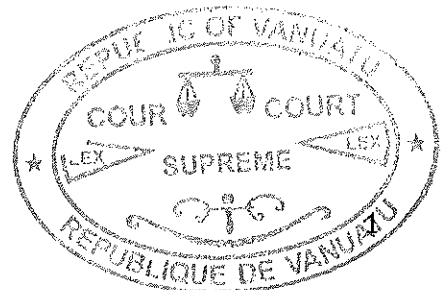
v

RICHARD MALIU

Date: 24 February 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms J. Tete
Defendant – Mr J.S. Garae

SENTENCE

1. The Defendant Richard Maliu pleaded guilty and accepted the summary of facts relating to one charge of possession of 404 grams of cannabis contrary to subs. 2(62) of the *Dangerous Drugs Act* [CAP. 12]. He is convicted on his plea and the admitted facts.
2. On 11 December 2024, the Police searched Mr Maliu at the Century store opposite Laplas area at Luganville on suspicion that he had consumed cannabis. They found materials in his bag that testing confirmed to be 404 grams of cannabis.
3. The maximum penalty for the offence of possession of cannabis is 20 years imprisonment and/or a fine of up to VT100 million.
4. There are no aggravating or mitigating factors to this offending.
5. Due to the quantity of drugs possessed, and the nature of Mr Maliu's offending as an intended supplier, the appropriate sentence start point is 18 months imprisonment.



6. One third (6 months) is deducted from the sentence start point for Mr Maliu's early guilty plea.
7. Mr Maliu is 31 years old. He is a Year 10 leaver. He is single and resides with his parents at Big Bay on Santo. He makes a living from cocoa and kava crops. He has no previous convictions. He pleaded guilty at the earliest opportunity. A further 3 months is deducted for Mr Maliu's personal factors.
8. He has been in custody since 12 December 2024, therefore a further 5 months is deducted from the sentence start point to preserve Mr Maliu's parole rights.

End Sentence

9. Taking all of those matters into account, the end sentence imposed is 4 months imprisonment.
10. The sentence is wholly suspended given Mr Maliu's rehabilitation prospects and his early guilty plea. The suspension is to run for 12 months. Mr Maliu therefore needs to remain offence-free for 12 months in order to be able to remain in the community. As the sentence has been suspended, Mr Maliu is to be released from custody today.
11. Mr Maliu is also to complete 70 hours of community work.
12. Mr Maliu has 14 days to appeal this sentence.
13. The drugs are to be destroyed.

**DATED at Luganville this 24th day of February 2025
BY THE COURT**

VM Trief
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Justice Viran Molisa Trief

