

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

**Criminal
Case No. 25/2193 SC/CRML**

BETWEEN: Public Prosecutor

**AND: Jean Noel Nampong
Defendant**

Coram: Justice Dudley Aru
Counsel: Ms. J. Tete the Public Prosecutor
Ms. B. Taleo for the Defendant

SENTENCE

Introduction

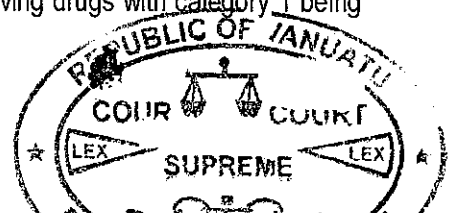
1. Jean Noel Nampong pleaded guilty to one count of cultivation of cannabis plants. He is convicted on his guilty plea and the admitted facts. This is his sentence.

Facts

2. Following information received by the Police concerning people who were either in possession of or cultivating cannabis, the Police carried out an operation on the island of Malo with information that the defendant was cultivating cannabis. They went to his gardens at Melbulbul village on 3 June 2025 and uprooted a total of 45 plants suspected to be cannabis plants. The defendant was then arrested as a result. On the same day the Police carried out a test on the seized plants which confirmed the plants to be cannabis plants. The 45 cannabis plants were weighed and found to weigh a total net weight of 14.640 kilograms
3. The defendant admitted cultivating the plants when he was interviewed by the Police on 7 June 2025.

Sentence start point

4. When considering the sentence start point, I need to take into account the maximum sentence available and whether there are any aggravating or mitigating factors of the offending. Under the Dangerous Drugs Act [CAP12], s 17 sets the maximum penalty for cultivation of cannabis plants as a fine not exceeding VT 100 million or imprisonment not exceeding 20 years or to both. The actual weight of the 45 plants which is 14.640 kilograms is an aggravating factor. There are no mitigating factors of the offending.
5. The prosecution referred to cases for comparison including Wetul v PP [2013] VUCA 36 where the Court of Appeal set out three categories of offences involving drugs with category 1 being



the lowest and less serious to category 3 being the most serious. It was submitted this case falls within a category 2 type offending and submitted a starting point of 12 to 18 months imprisonment.

6. Defence Counsel submitted that although the offending may fall within category 2 there was no indication it was for commercial purposes or that the defendant had been selling cannabis.
7. I adopt a sentence start point of 18 months imprisonment.

Guilty plea and personal factors

8. The defendant entered a guilty at the earliest available opportunity. Taking into account the strength of the prosecution case, the sentence start point will be discounted by 27%.
9. No Same Day Report was able to be filed however Counsel submits that the defendant is 24 years old and is a first-time offender. He is single and unemployed. He lives with his parents and relies on them and other relatives for support.
10. For personal factors I deduct 2 months from the sentence start point and a further 2 months are deducted for time spent on remand.

End sentence

11. I sentence the defendant to an end sentence of 9 months imprisonment. When considering whether to suspend your sentence, I note that you are 24 years old, which means you have a future ahead of you to turn your life away from drugs and this is also your first offending. I will suspend your sentence for a period of 2 years. Should you reoffend during this period you will be arrested to serve your sentence in custody.
12. In addition, you will perform 60 hours of community work. I also order supervision for a period of 6 months to undertake rehabilitation in relation to your offending.
13. I also direct that the seized cannabis be destroyed immediately.
14. You have 14 days to appeal if you are not satisfied with the decision.

DATED at Port Vila this 5th day of September, 2025

BY THE COURT

Dudley Arū
Judge

