

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

Criminal
Case No. 25/999 SC/CRML

BETWEEN: Public Prosecutor

**AND: Sepa Lamai
Defendant**

Coram: Justice Dudley Aru
Counsel: Mr. G. Kanegai for the Public Prosecutor
Mrs. C. Dehinavanua for the Defendant

SENTENCE

Introduction

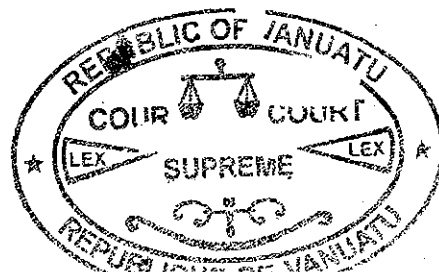
1. The defendant Sepa Lamai pleaded guilty to a single charge of unlawful cultivation of cannabis and a single charge of possession of cannabis contrary to s4(1) and s2 (62) of the Dangerous Drugs Act [CAP 12]. He is convicted on his guilty plea and the admitted facts.
2. The maximum penalty for unlawful cultivation of cannabis and unlawful possession of cannabis is a fine not exceeding VT100 million or a term of imprisonment not exceeding 20 years or both.

The facts

3. The brief facts are that on the 24 March 2025 the Police located 6 mature plants possessed and cultivated by the defendant in his garden near his home at Teouma area. The suspected drug plants were uprooted and confiscated by the Police. The defendant was also arrested at that time. He admitted to the Police that he cultivated the drugs for his personal use.
4. The suspected drugs were submitted to the Police Forensic Section for examination and on 26 March 2025 Sergeant Winshual Garae carried out a presumptive test which confirmed that the result is positive as Marijuana or cannabis as its colours turned purple when tested. The total net weight of the cannabis plants was 7.02 kg.

Starting point of sentence

5. The maximum sentence available for cultivation and possession of cannabis is a fine not exceeding VT 100 million or to a term of imprisonment not exceeding 20 years or to both. The aggravating factor of the offending is the total net weight of the 6 cannabis plants which is 7.02kg. The defendant also knowingly cultivated the cannabis plants for his personal use. There are no mitigating factors of the offending.



6. The prosecution noted what the court said in *Wetul v PP* [2013] VUCA 26 in relation to different categories of seriousness relating to cannabis cultivation. It was submitted that the starting point of sentence should be a global starting point of 2 years imprisonment.
7. The defendant on the other hand submitted that the starting point of sentence should be 1 year imprisonment.
8. I adopt a sentence start point on each count of 2 years imprisonment. The total concurrent starting point of sentence is 2 years imprisonment.

Guilty plea and personal factors

9. The defendant pleaded guilty at the first available opportunity. Noting the strength of the prosecution case, the sentence start point will be discounted by 25 %.
10. A pre-sentence report was filed as directed. The report states that the defendant is 29 years old and is married with a 6 year old daughter. She is now in class 1. Mr Lamai is a first-time offender and earns his living by working in construction to support his family. He is the breadwinner in his family. His chief speaks highly of him that he is an active and helpful member of his community.
11. Taking these factors into account I deduct 3 months from the sentence start point.

End sentence

12. The defendant is sentenced to a concurrent end sentence rounded off to 12 months imprisonment. The sentence is suspended for a period of 2 years. Should he reoffend during this time the sentence will be re activated to be served in custody. In addition, the defendant will perform 100 hours of community work. I also order supervision for a period of 6 months for the defendant to undertake rehabilitation in relation to his offending.
13. I also order that the confiscated cannabis material be destroyed immediately.
14. The defendant has 14 days to appeal if he is not satisfied with the decision.

DATED at Port Vila this 3rd day of October, 2025

BY THE COURT

**Dudley A
Judge**

