

**IN THE SUPREME COURT OF THE
REPUBLIC OF VANUATU – Luganville,
Santo**
(Criminal Jurisdiction)

Criminal Case No. 25/2566 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Santo

The State

AND: Jeff Havo
Santo

Defendant

Date of Plea: 19 September 2025
Date of Sentence: 23 October 2025
Before: Justice B. Kanas Joshua
Counsels: Ms Josephine Tete, for the State
Mr Rollanson Willie, for the defendant

SENTENCE

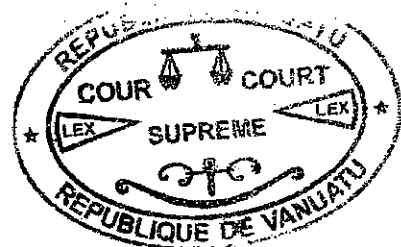
Introduction

1. Mr Jeff Havo, you pleaded guilty to two counts of unlawful possession of cannabis. The maximum penalty for possession of cannabis is a term of imprisonment not exceeding 20 years, and and/or a fine not exceeding VT100 million.
2. Your sentence is to hold you responsible for your actions so others can see that this is against the law which has serious consequences. This will help to stop these actions, as it causes social harm. This sentence should help you to rehabilitate, and must be generally consistent.

Facts

3. In July 2025, police officers executed a search warrant at your residence at Banban. You were with Mr Roger Johnson in your car and were just driving out when the police intercepted the vehicle. A body search was conducted and the police officers found a plastic bag filled with balls of aluminium foil in the pockets of your trousers. Another package containing balls of aluminium foil were found by the driver's seat at the side of the driver's door. The officers then proceeded to search the defendant's house and found a heap of dried cannabis stored in the house, where clothing was kept and in shopping bags. The gross weight of the cannabis found in your trouser pockets were 113.9g with a net weight of 72.2g. The gross weight of cannabis found in the house was 660g. This totals to 732.2g.

Starting point



4. To determine a starting point, I consider the following aggravating factors of the offending:
 - a. The quantity of cannabis is substantial. The net weight is 732.2g.
 - b. Packaging of dried cannabis into hand-rolled cannabis indicating commercial intent.
 - c. Money found in the defendant's taxi indicates sales.
 - d. The defendant had knowledge that cannabis is a prohibited substance yet continues to possess it.
5. There are no mitigating factors of the offending.
6. The guideline case for cannabis cultivation is *Wetul v. PP*¹. It categorizes cannabis cultivation into 3 broad categories:
 - a. Category 1: consists of the growing of a small number of cannabis plants for personal use by the offender without any sale to another party occurring or being intended. Offending in this category is usually dealt with by a fine or other non-custodial measure. Where there have been supplies to others on a non-commercial basis the monetary penalty will be greater, and in more serious cases or for persistent offending a term of community work and supervision or even a short custody term may be merited.
 - b. Category 2: encompasses small-scale cultivation of cannabis plants for commercial purpose, i.e with the object of making profit. The starting point for sentencing is between 2 – 4 years, but where sales are infrequent and of very limited extent a lower starting point may be justified.
 - c. Category 3: is the most serious class of such offending. It involves large-scale commercial growing, usually with a considerable degree of sophistication and organization. The starting point will generally be 4 years or more.
7. Some recent cases used to assist the court are *PP v. Bong*² and *PP v. Morris*³. In *Bong*, the net weight of cannabis was 800g. A starting point of 18 months was adopted. In *Morris*, the net weight of cannabis was 740g and a starting point of 24 months was adopted. Although the net weight of cannabis is less in *Morris*, it is a more recent sentence. This offence falls in the lower end of category 2, as the cannabis is used for commercial purpose. I adopt a starting point of 24 months.

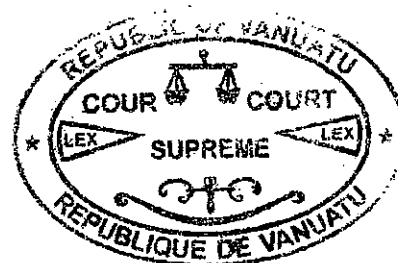
Personal factors and guilty plea

8. From the starting point, appropriate deductions must be made for guilty plea and mitigating factors personal to the offender. For the guilty plea, I give a 25% discount. This brings the sentence to 18 months imprisonment.
9. For the following mitigating factors, I deduct another 2 months:
 - a. You are 28 years old;
 - b. You have a de facto partner;

¹ [2013] VUCA 26.

² [2024] VUSC 277.

³ [2025] VUSC 255.



- c. You are remorseful;
 - d. You cooperated with the police;
10. You were remanded on 18 July 2025 to 7 August 2025. This gives a total of 21 days which is equivalent to an effective sentence of 42 days. This brings the sentence to 14 months 18 days.
11. The SDR states that you have reoffended but it does not state which offence you were convicted for. No uplifts given.

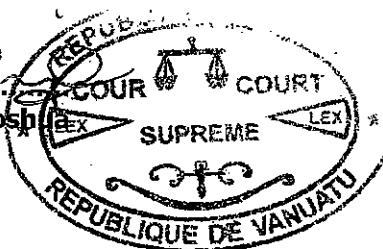
End sentence

12. Mr Jeff Havo, you are sentenced to 1 year 2 months 18 days imprisonment.
13. The SDR recommends a supervision sentence. Defence submits that a community work-based sentence is appropriate. Prosecution submits that an imprisonment sentence is appropriate, however, if your sentence is suspended then a community work-based sentence is appropriate. This offence falls at the lower end of category 2 of *Wetu!*, however, you are not a first time offender. I apply Section 58 of the Penal Code Act and suspend your sentence in part. Your circumstance is very different to Roger Johnson who was with you on the day you were arrested, and is charged with the same offence. You are a reoffender and you are one of the suppliers of cannabis.
14. You must serve 7 months 18 days of your sentence, with immediate effect. The remaining 7 months is suspended for 1 year. Section 50 of the Penal Code does not apply in this case, as you were previously remanded and released on bail.
15. I further order that you must attend any program provided by the Correctional Services that will help towards your rehabilitation.
16. The cannabis material must be destroyed.
17. You have 14 days to appeal.

Dated at Port Vila on this 23rd day of October 2025

BY THE COURT

B. Kanas Joshi
Justice B. Kanas Joshi



The seal of the Supreme Court of Vanuatu is circular. It features a central emblem with a scale of justice and a book. The text 'REPUBLIC OF VANUATU' is written around the top inner edge, and 'REPUBLIQUE DE VANUATU' around the bottom inner edge. The words 'COURT' and 'COURT' are on either side of the central emblem, and 'SUPREME' is written below it. The word 'LEX' appears on two small banners flanking the central emblem.