

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

Criminal
Case No. 25/3212 SC/CRML

PUBLIC PROSECUTOR

v

BENITO JIMMY

Date of Plea: 17th November 2025
Before: Justice Josaia Naigulevu
Counsels: Public Prosecutor – Ms. Josephine Tete
Public Solicitor – Mr. Barbara Taleo

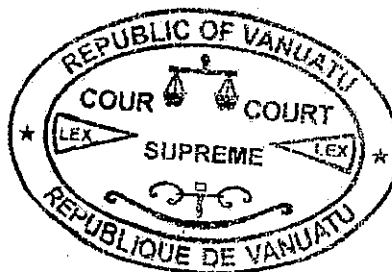
SENTENCE

Introduction

1. Benito Jimmy, you were arraigned on the 17th November 2025 and pleaded guilty and accepted the summary of facts presented by the prosecution relating to one count of unlawful possession of cannabis substance contrary to section 2 (62) of the Dangerous Drugs Act [Cap 12].
2. You were duly convicted on your plea.

Facts

3. The police had formed a suspicion that you were selling cannabis at Sarakata Dark Corner area. Upon the execution of a search warrant, the police searched your house at Sarakata on the 4th July 2025, and found an aluminium foil package containing what they believed to be cannabis.
4. A test of the material was conducted on the 13th August 2025. It tested positive for cannabis. The weight was 16.0 grams.



Statutory Maximum Sentence

5. A conviction of Unlawful possession of cannabis contrary to section 2 (62) of the Dangerous Drugs Act attracts a fine not exceeding VT100, million or a term of imprisonment not exceeding 20 years, or both, such fine and imprisonment.

Sentencing purpose and Guideline

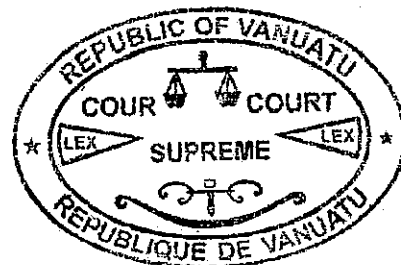
6. There are several principles that guide the sentence to be imposed on you. They include the proposition that you must be held accountable and must take responsibility for your action. Additionally, your action is the kind that is denounced by society, and that similar future acts by you and others must be deterred.
7. Equally important is that you must be given ample opportunity to rehabilitate and reintegrate.
8. The approach taken in the present case follows the guidance given by the Court of Appeal in the case *Philip v Public Prosecutor [2020] VUCA 40*.

Aggravating Factors

9. The following circumstances constitute the aggravating factors in the present case:
 - a) The facts that you agreed to, suggested that you were suspected of selling cannabis at Sarakata Dark Corner area. Also, you confirmed during the interview with the correctional services officer that you had indeed been engaged in selling cannabis because of your financial hardship, in order to support your family.

Starting Point

10. In assessing the appropriate starting point, I have taken into account the statutory maximum sentence, as well as the aggravating and mitigating factors of the offending.
11. I have considered the submissions of counsel as well as the authorities they have referred to, for the Court's consideration. These authorities however did not assist the Court determine an appropriate starting point.
12. I adopt a starting point of 15 months in this case.



Guilty Plea

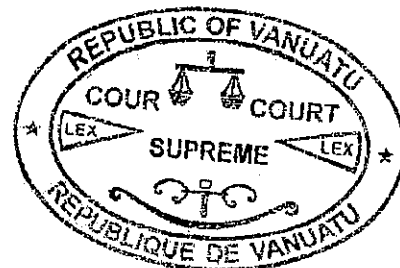
13. You entered a plea of guilty in this Court at the earliest opportunity. It indicates you have accepted responsibility for your wrong doing. I reduce your sentence by 25% from the starting point.

Mitigating and Personal Factors

14. Benito Jimmy, you are twenty-eight (28) years old, live in a defecto relationship and take care of your parents.
15. You support yourself and your family with your construction business.
16. You have a healthy relationship with your community and at times engage yourself in community work.
17. You have never offended prior to this case.
18. These factors reduce your sentence by a further seven (7) months.

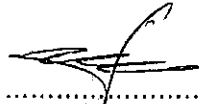
End Sentence

19. In light of these matters, I impose an end sentence of eight (8) months imprisonment.
20. I must now consider how this sentence will be served. Your counsel submits that a custodial sentence is inappropriate. The prosecutor expresses the same view. I agree with them.
21. I take into account the factors set out in section 57 of the Penal code, and suspend your sentence in full for a period of twelve months. However, I order instead that you be subject to a 12 months supervision order, and undertake 80 hours of community work.
22. The substance seized by the police will be destroyed.



23. You have 14 days to appeal this sentence.

DATED at Port Vila this 21st day of November 2025
BY THE COURT



.....*
Hon. Josai Naigulevu
Justice

