

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

Criminal
Case No. 25/3216 SC/CRML

PUBLIC PROSECUTOR

v

LINI NICOLSEN ROBIN

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

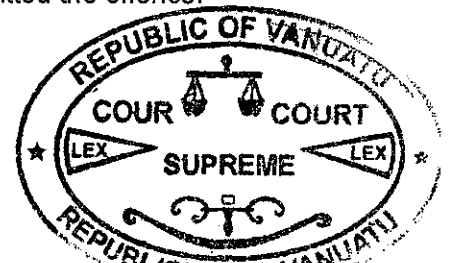
SENTENCE

Introduction

1. Lini Nicolsen Robin, you 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]. When you were arraigned on the 17th November 2025.
2. You were duly convicted on your plea.

Facts

3. The police searched your home on the 17th July 2025 on the strength of a warrant and found a transparent plastic bag containing seeds. They had been informed that you were selling cannabis in the Bp Bon area.
4. A test was conducted on the 23rd July 2025. It was confirmed that the seeds were cannabis seeds. They weighed 91.2 grams.
5. When interviewed under caution on the 18th July 2025, you admitted the offence.



Statutory Maximum Sentence

6. 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

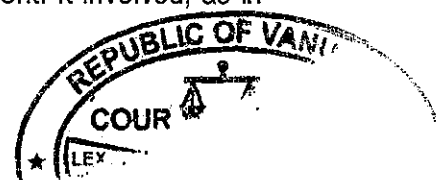
7. There are several principles that guide the sentence to be imposed on you. They include the proposition that you must be held accountable and must take responsibility for your action. Additionally, your action is the kind that is denounced by society, and that similar future acts by you and others must be deterred.
8. Equally important is that you must be given ample opportunity to rehabilitate and reintegrate.
9. 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

10. The following circumstances constitute the aggravating factors in the present case:
 - a) During the interview by the probation officer, you admitted that you traded the cannabis substance weighing 91.2 grams with kava that you sold at your kava bar. It seems to support the suspicion of the police that you were selling cannabis, something that was in the summary of facts that you agreed to.
 - b) Your admissions together with the weight of the substance can only suggest that the seeds were procured for an unlawful purpose;

Starting Point

11. 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.
12. I have considered the submissions of counsel as well as the authorities they have referred to, for the Court's consideration. Your counsel pointed me to the case *Public Prosecutor v Johnson [2018] VUSC 271* in which the Court set the starting point at 6 months the case involved the possession of 92 grams of cannabis.
13. The prosecutor referred me to the case *Public Prosecutor v Iawa [2024] VUSC 292*, where the Court adopted a starting point of 2 years imprisonment. It involved, as in



this case the execution of a search warrant on the defendant's house, where a quantity of 101.4 grams of cannabis was found. He was suspected to have been selling cannabis.

14. I adopt a starting point of 18 months, after taking into account the specific nature of the aggravating factor.

Guilty Plea

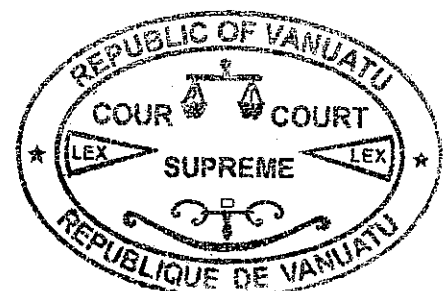
15. You entered a plea of guilty in this Court at the earliest opportunity. It indicates you have accepted responsibility for your wrong doing. I reduce your sentence by 25% from the starting point.

Mitigating and Personal Factors

16. You are 38 years old and live in a defacto relationship with your partner. You have 4 children, and take care of your widowed mother.
17. You operate a kava bar at the nakamal for a living, as well as a construction business.
18. You are remorseful, have cooperated with the police and have never been convicted of a criminal offence before.
19. These factors reduce your sentence by a further 6.5 months.

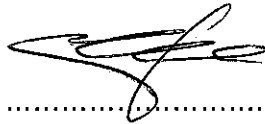
End Sentence

20. I impose on you an end sentence of 7 months.
21. After considering your counsel's representation and the prosecutor's submission, and taking into account the prosecutor set out in section 57 of the Penal Code. I have decided to suspend your entire sentence for 12 months.
22. You are however ordered to carry out a total of 70 hours of community work.
23. The substance seized by the police is to be destroyed.
24. You have 14 days to appeal this sentence.



DATED at Port Vila this 21st day of November 2025

BY THE COURT



.....
Hon. Josaia Naigulevu
Justice

