

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

Criminal
Case No. 25/3221 SC/CRML

PUBLIC PROSECUTOR

v

KENTON VIRA

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

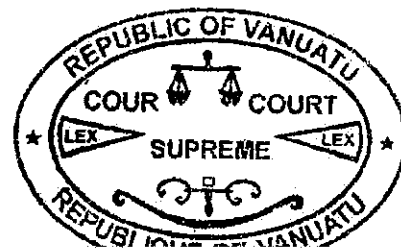
SENTENCE

Introduction

1. Kenton Vira, 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. Whilst on a 'mobile patrol' on the 25th March 2025, the police observed you outside the Sunshine Store carrying a 'back pack.' When they approached you, you with three male companions were in a taxi. You alighted the vehicle when asked by the police. Your backpack was searched and in it was found a branch of what they believed to be a cannabis plant.
4. A test was carried out on the 27th March 2025 of the material. It was confirmed to be part of a cannabis plant. It weighed 99.3 grams.



5. You were interviewed under caution on the 27th March 2025, and made admissions.

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

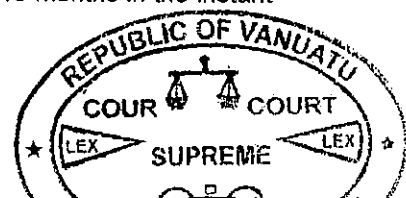
7. There are several principles that guide the sentence to be imposed on you. They include the proposition that you must be held accountable and must take responsibility for your action. Additionally, your action is the kind that is denounced by society, and that similar future acts by you and others 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) The slight significant amount of cannabis substance you carried in your back pack, was discovered by the police when they search you;
 - b) You were convicted in 2018 for unlawful possession of cannabis and sentenced to carry out 50 hours of community work.

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 and the prosecutor have cited the case *Public Prosecutor and Iawa [2014] VUSC 292* as a comparative case. The case was about the possession of 101.4 grams of cannabis. The Court adopted a starting point of 24 months in that case.
13. Both counsels recommend a starting point of between 12 to 16 months in the instant case.



14. I adopt a starting point of 15 months.

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. Kenton Vira, you are 32 years old and live in a defacto relationship with Rose Tenkon. You have three children from a previous relationship with their biological mother. The children are cared for by your sister on Malo Island, but you provide financial support towards their education.

17. You are employed by the CEEC company, but supplement your income by planting kava.

18. These factors reduce your sentence by a further 5.25 months.

End Sentence

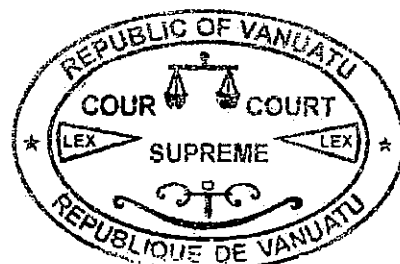
19. As the end sentence, I impose a term of 7 months imprisonment.

20. I now have to consider how your sentence should be served. Both counsels suggest that it be suspended. I agree with them.

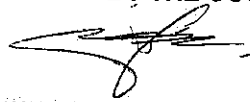
21. I order that your sentence of 7 months be suspended in full for a period of 12 months. You are however required to undertake a total of 50 hours of community work and be subject to a one-year supervision order.

22. You have 14 days to appeal this sentence if aggrieved.

23. The substance seized by the police is to be destroyed.



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



Hon. Josaia Naigulevu
Justice

