

PUBLIC PROSECUTOR

v

TIMI SALERUA

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

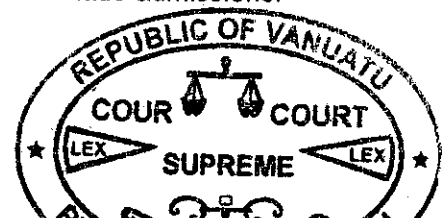
SENTENCE

Introduction

1. Timi Salerua, 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. On the 11th August 2025, you were observed by the police to be smoking what was believed to be cannabis in a thatched house outside Sarete Village. You were seen holding a 'bong', a plastic instrument that held rolled cannabis substances. You attempted to escape but were apprehended by the police.
4. A test was conducted on the substance found in the 'bong' and it recorded a positive result for cannabis. The substance weighed 0.4 grams.
5. You were interviewed under caution on the 13th August 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

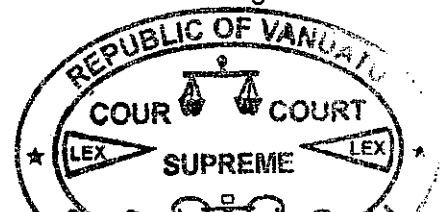
7. There are several principles that guide the sentence to be imposed on you. They include the proposition that you must be held accountable and must take responsibility for your action. Additionally, your action is the kind that is denounced by society, and that similar future acts by you and others 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) You ran away from the police when they confronted, you were confronted by the police when you were smoking cannabis with five others in a thatched house outside Sarete village;
 - b) You committed a similar offence in the past, and was convicted by this Court on the 17th April 2025 for cultivating 3 stems of cannabis plant, you were sentenced to 9 months imprisonment, a sentence that was suspended for 2 years;
 - c) You committed the present offence during the period of your suspension.

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 this Court to the case of Public Prosecutor v Kalwas [2021] VUSC 148 in which the Court adopted a starting point of 10 months. Both your counsel and the prosecutor recommend that I set a starting point in the range of between 6 to 10 months.
13. After taking into account the specific aggravating factors of your case, I adopt a starting point of 12 months.

Guilty Plea

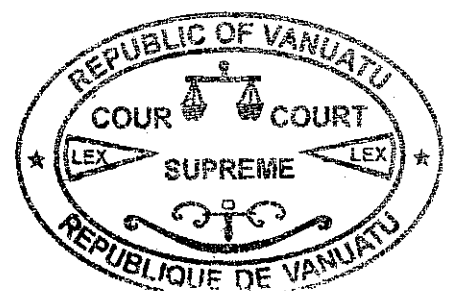
14. You entered a plea of guilty in this Court at the earliest opportunity. It indicates you have accepted responsibility for your wrong doing. I reduce your sentence by 20% from the starting point.

Mitigating and Personal Factors

15. You live in a defacto relationship with Ms. Amelia Vatu, have four children, and reside at Naone village.
16. Your pre- sentence report states that you have a good relationship with your families, your chief and the community. You grow kava and crops for a living.
17. You say that you are remorseful and have learnt a lesson. These were the same sentiments you told the Court when you came before in the first case for the same offence. The Court therefore has reason to doubt your sincerity.
18. These factors reduce your sentence by a further 4.6 months.

End Sentence

19. I have taken all these matters into account and impose on you an end sentence of 5 months that will be served in custody.
20. I also activate the 9 months imprisonment imposed on you by this Court in Criminal Case No.20/2630 SC/CRML on the 17th April 2025, which sentence was suspended for a period of 2 years. These two sentences will be served consecutively. That means you will serve a total of 14 months of imprisonment.



21. The combine sentence will begin on the 14th August 2025, the day when you are first remanded.
22. You have 14 days to appeal this sentence if aggrieved.
23. The substance seized by the police must be destroyed.

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



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Hon. Josaia Naigulevu
Justice

