

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

Criminal
Case No. 25/2925 SC/CRML

PUBLIC PROSECUTOR

v

CHARLIE GEORGE

Date of Plea: 7th October 2025
Before: Justice Josaia Naigulevu
Counsels: Public Prosecutor – Ms. Shirley Langon
Public Solicitor – Mrs. Pauline Malites

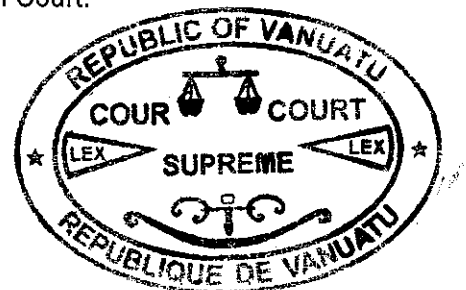
SENTENCE

Introduction

1. Charlie George, you pleaded guilty to a count of unlawful cultivation of cannabis contrary to section 4(1) of the Dangerous Drugs Act [CAP 12] when you were arraigned on the 7th October 2025.
2. You were duly convicted on your plea.

Facts

3. The evidence suggested that you had been planting cannabis in your garden at Lupalea village, Tongoa Island before January 2025. Twenty-seven plants were discovered growing in the garden between January and August this year.
4. The plants were uprooted and delivered to the police. They weighed 1.24kg, and when tested, they recorded a positive result for cannabis.
5. When interviewed under caution by the police on the 7th August 2025, you declined to give a statement but indicated instead that you will speak only in Court.



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 re-integrate.
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.

Statutory Maximum Sentence

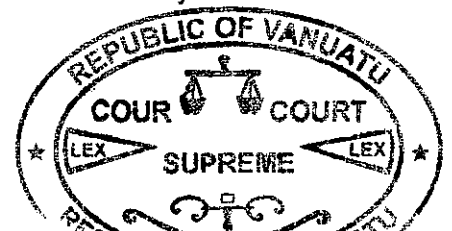
9. A conviction for unlawful cultivation of cannabis contrary to section 4 of the Dangerous Drugs Act attracts a penalty of a fine of VT 100 million or a term of 20 years imprisonment, or both a fine and imprisonment.
10. The penalty for the contravention of section 4 of the Act is prescribed by section 17 of the Dangerous Drugs Act.

Aggravating Factors

11. There is some suggestion in your probation that you smoked marijuana, a habit that you now wish to terminate. There is some vagueness about whether you sold the plants or parts of the plant in the past. Neither the police nor the prosecution have said that you had done so. However, your counsel states in mitigation on your behalf that you have "...promised the Court that (you) will not cultivate or plant nor sell any more cannabis." Whether this should be regarded as an admission by you is puzzling, particularly in the light of an earlier statement in her written submission that "there is no evidence to confirm the defendant cultivated the plants to sell."
12. In the absence of any evidence that suggests otherwise, the Court will accept that you have never sold any part of the marijuana plants you grew.

Starting Point

13. 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.
14. I have considered the submissions of counsel as well as the authorities they have referred to, for the Court's consideration.



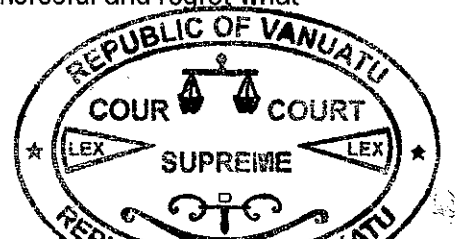
15. For the purpose of assessing the appropriate starting point, your counsel submits that your case falls within the second of the three broad categories proposed by the Court of Appeal in the case *Public Prosecutor v Columbus Wetul* [2013] VUCA 26. Category 2 is characterised as small-scale cultivation for commercial purpose that attracts a starting point of between 2 to 4 years. A lower starting point is possible if sales are infrequent or minimal.
16. She has also drawn my attention to a number of other cases. They include the case of *PP v Tavuti*. Criminal Case No 23/897 in which the offender was convicted for cultivating 35 plants of cannabis that weighed 1.40 kilograms. In that case the Court adopted a starting of two years. The second case was *PP v Bani*. Criminal Case No.25/2191, in which the offender planted 24 cannabis plant. The Court adopted a starting point of 18 months.
17. These two cases were also drawn to my attention by the prosecutor.
18. The prosecutor agrees also with your counsel about your case falling into category 2 of the *Wetul* guideline categories. However, she mentions another case, *Public Prosecutor v Jimmy* [2020] VUSC 252 in which the Court convicted the defendant of cultivating 20 cannabis plants and adopted a starting point of 30 months.
19. I have taken into account all these matters and adopt starting point of two years.

Guilty Plea

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

Mitigating and Personal Factors

21. You are thirty-eight years old, are married and with your wife have children. You have been -the primary provider in the family, earning a living as a construction worker, something you have done over the last ten years.
22. The Pre-sentence Report filed by the Correctional Services mentions that you have a good relationship with the rest of your children, the Lubalea village community and your chief.
23. You have no record of a previous criminal conviction, and according to the Pre-sentence Report and your counsel's submission, you are remorseful and regret what you have done, and have promised not to offend again.



24. For these personal and mitigating factors, I reduce the starting point by ten months.

End Sentence

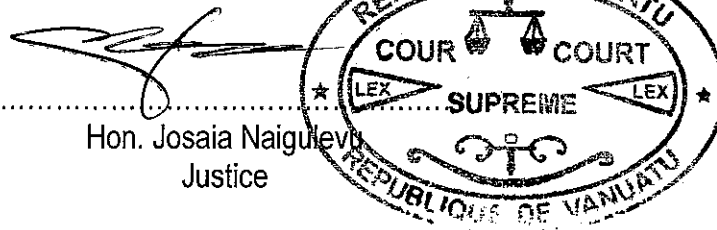
25. I have taken all the foregoing matters and impose an end sentence of eight (8) months.

26. I will now turn to consider how this sentence will be served, and am guided by the requirements of section 57(1) of the Penal Code, particularly the matters set out in subsection (1) (a). The cultivation of cannabis often gives rise to the commission of other offences and to immediate and long-term harm for users. I am of the view that this case is not one where the suspension of sentence is appropriate. You will therefore be required to serve an immediate custodial sentence of eight (8) months imprisonment.

27. I take into account that you have been in remand since the 7th August 2025. Accordingly, the sentence of eight months will commence on that date: Obed v Public Prosecutor [2019] VUCA 19.

28. You have 14 days to appeal this sentence. The cannabis plants are to be destroyed.

DATED at Port Vila this 26th day of November 2025
BY THE COURT



Hon. Josaia Naigulevi
Justice