

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

Criminal
Case No. 25/3869 SC/CRML

PUBLIC PROSECUTOR

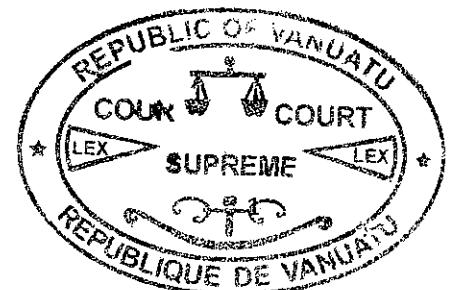
v

PETER HINGE

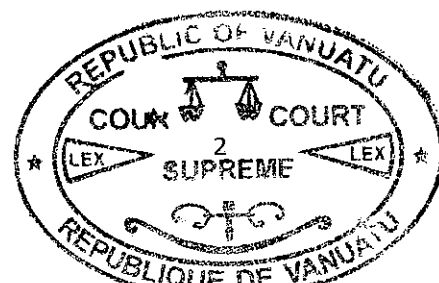
Date: 27 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D.R. Liu
Defendant – Mr L. Malantugun

SENTENCE

1. Mr Peter Hinge, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to one charge of unlawful cultivation of cannabis contrary to ss 4 and 17 of the *Dangerous Drugs Act* [CAP. 12]. You are convicted on your own plea and the admitted facts.
2. The Prosecution filed sentencing submissions. Defence counsel made oral submissions.
3. On 4 November 2025, the Police found 166 cannabis plants in your garden in front of your house at Mele new Village on Efate island, which they confiscated. Testing confirmed that the plants were cannabis, weighing 41.02 kilograms.
4. You admitted the offending under caution. You stated that you planted the cannabis for commercial purposes.

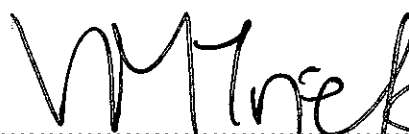


5. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
6. The maximum penalty for the offence of unlawful cultivation of cannabis is 20 years imprisonment, a fine of up to VT100 million or both.
7. There are no mitigating factors to this offending.
8. The aggravating factors of the offending are as follows:
 - a) You deliberately cultivated the cannabis to sell or supply to others; and
 - b) The quantity is significant, being 41.02 kilograms.
9. Your offending falls within Category 2 as described by the Court of Appeal in *Wetul v Public Prosecutor* [2013] VUCA 26 which encompasses small-scale cultivation of cannabis plants for a commercial purpose i.e. with the object of deriving profit.
10. Given the quantity of cannabis and the clear commerciality involved, I adopt a sentence start point of 2 and a half years imprisonment.
11. One third (10 months) is deducted from the sentence start point for your early guilty pleas.
12. You are 27 years old. You live with your partner and have 3 children, aged from 1 year to 7 years old. You are a Year 6 leaver. You have previously undertaken seasonal employment overseas. You are currently employed by a local construction company. You have no prior convictions and cooperated with the Police. You are stated to be remorseful. A further 6 months is deducted from the sentence start point for your personal factors.
13. You have served time in custody from 5 November 2025 to 4 December 2025, an effective imprisonment term of 2 months therefore a further 2 months is deducted from the sentence start point.
14. The end sentence imposed is 12 months imprisonment.
15. The sentences are imposed to reflect the need to denounce this criminal conduct, to protect the community, as a general and specific deterrence and to hold you accountable for your criminal conduct.



16. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
17. The scale of the cultivation, the total weight involved and the admitted commercial purpose do not favour suspension of the sentences. On the other hand, you have a prior clean record, you cooperated with the Police, are stated to be remorseful, you have served some time in custody for this offending and have prospects of rehabilitation. I therefore suspend your sentence for 2 years on the condition that you commit no further offence within that period. You are warned that if you are convicted of any offence in the next 2 years, that you will be taken into custody and serve your sentence of imprisonment imposed today as well as the penalty imposed for the further offending.
18. In addition, you are to complete 100 hours of community work within the next 12 months, and supervision for 6 months. You are to attend any rehabilitation program required of you by the Probation Services of the Department of Correctional Services.
19. You have 14 days to appeal the sentence.
20. The drugs are to be destroyed.

**DATED at Port Vila this 27th day of March, 2026
BY THE COURT**



Justice Viran Molisa Trief

