

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

Criminal
Case No. 20/1832 SC/CRML

BETWEEN: Public Prosecutor

AND: Stephen Iatika
Defendant

Coram: *Justice Aru*

Counsel: *Mr. P. Sarai for the Public Prosecutor*
Mr. L. Napuati for the Defendant

SENTENCE

Introduction

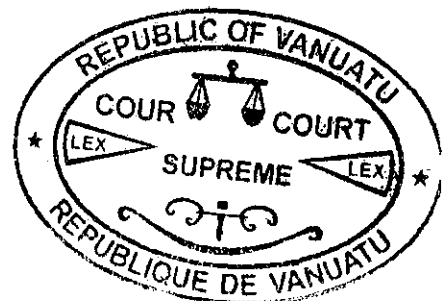
1. Mr Iatika this is your sentence. You were charged with one count of possession of drugs and you pleaded guilty to the charge.

The facts

2. The facts as set out in the Prosecution summary of facts is not disputed. The offending occurred in November 2016. The complainant is your de facto partner. On the 4 November 2016 she filed a complaint with the Police that you had in your possession two marijuana plants in pot plants at your home at the Korman area.
3. On 8 November 2016 you were cautioned by the Police and admitted that you took the plants from your garden at prima area. The plants were tested by the Police and confirmed to be cannabis plants weighing 12.13 grams.

Starting Point

4. The maximum penalty for this offence is 20 years imprisonment or a fine of up to VT 100 million. You knew what the plants were and obviously took them home for a purpose. The plants weighed 12.13 grams. I set the starting point of your sentence at 12 months imprisonment.



Guilty plea

5. You entered a guilty plea at the first available opportunity. For that I allow the full one third deduction on your start sentence.

Personal factors

6. Mr Iatika you are now 27 years old with no previous convictions. This is your first offending. You completed your education at year 13 at Malapoa College and completed an IT course at INTV in 2013. You live in a de facto relationship with the complainant and have two children. You are self-employed as a mechanic and also an active member of your community at Erakor bridge.
7. You cooperated with the Police and also told your probation officer that you now regret your actions. For your personal factors your sentence is further reduced by 3 months.

End sentence

8. The end sentence is therefore 5 months imprisonment. For now it is suspended for a period of 12 months. Should you reoffend during this time you will be remanded to serve it in custody.
9. In addition you will do 100 hours community work.
10. The cannabis plants are to be destroyed immediately.
11. You have 14 days to appeal if you are not happy with the decision.

DATED at Port Vila 1st day of September, 2020

BY THE COURT

D. Aru
Judge

