



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

Criminal
Case No. 21/3426 SC/CRML

PUBLIC PROSECUTOR

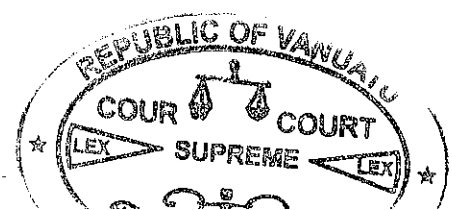
V

JOHN KALMET

Coram: Justice O. Saksak
Counsel: Mr Gregory Simeon for the State
Mr Kalo Shem Amos for the Defendant
Date of Plea: 22 October 2021
Date of Sentence: 30 November 2021

SENTENCE

1. John Kalmet pleaded guilty to one charge of Possession of Cannabis contrary to Section 2(62) of the Dangerous Drugs Act [Cap. 12].
2. The maximum penalty for this offence is a fine not exceeding VT100 million or imprisonment of not exceeding 20 years.
3. On 15 July 2021 at Pango village, the defendant was found by the Police with some dried marijuana leaves weighing 0.06kg. Upon being interviewed the defendant admitted he bought the three packages from one Edwin Alal at VT1,500. The Police tested the substance and confirmed them to be cannabis.
4. The defendant has accepted those facts.
5. There are no mitigating circumstances for the defendant's offending. From his pre-sentence report he is a third time offender. He was convicted and sentenced in 2010 for theft. He was remanded twice for unlawful possession of cannabis first in December 2012 and again on 11 January 2013.



That shows he is a habitual dealer and user of this drug. His actions are repetitive. He has not performed any reconciliation ceremony. That shows he is unremorseful.

6. The prosecutions submitted a start sentence of 18 months imprisonment and an end sentence of between 14 – 16 months should be imposed and that the sentence be suspended.
7. Defence on the other hand submitted a lower start sentence of 6 – 10 months be appropriate and that the sentence be suspended.
8. I do not accept both submissions. Both the Prosecution and Defence have overlooked the defendant's previous offendings in 2012 and 2013. And I do not accept defence submission that the start sentence should be between 6 – 10 months.
9. In the circumstances of the defendant being a third-time offender, a deterrent sentence is warranted. And only a custodial sentence is warranted to deter the defendant. Not only that, the defendant must realize his offending is serious and is not condoned.
10. I therefore convict and sentence the defendant to a start sentence of 18 months imprisonment.
11. In mitigation, I note his personal background and character. He is 48 years old from Pango village. He has 3 daughters and a grand-daughter. He is separated from his wife. He has some secondary education and some carpentry skills.
12. He admitted his offending to the Police and pleaded guilty at first available opportunity. I allow a reduction of 6 months from his start sentence. His end sentence is 12 months imprisonment. This sentence will not be suspended.
13. The defendant is sentenced to imprisonment for 12 months or 1 year with immediate effect.
14. I condemn the substance confiscated from the defendant by the Police to destruction.
15. The defendant has a right of appeal against this sentence within 14 days.

DATED at Port Vila, this 30th day of November, 2021

BY THE COURT

**O. A Saksak
Judge**

