

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

Criminal
Case No. 22/990 SC/CRML

PUBLIC PROSECUTOR
V
ALICK MARANGO BEGGIE

Coram: Hon. Chief Justice V. Lunabek
Counsel: Ms Georgina Kanegai for the State
Mr Lorenzo Moli for the Defendant
Date of Plea: 07 June 2022
Date of Sentence: 08 July 2022

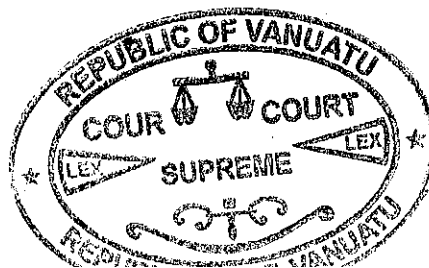
SENTENCE

A. Introduction

1. Alick Marango Beggie, you pleaded guilty to one count of possession of cannabis and one count of cultivation of cannabis plants. I convict you on your pleas and admitted facts.
2. The maximum sentence (penalty) for such offending is 20 years imprisonment or a 100 million vatu fine or both.

B. Facts

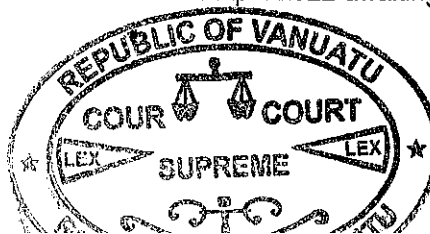
3. You are 32 years old at the time of the offending. You reside at Teouma Area and you are from Tongoa island.



4. On the 17th February 2022, the Police executed a search warrant on you at your residence at Teouma area following allegations of possession and cultivation of the Dangerous Drugs namely cannabis.
5. During the search 2 containers were located inside your house filled with dried cannabis seeds and 15 big cannabis plants cultivated at the back of your house. A further search revealed a dried cannabis plant located inside your chicken fence.
6. The police then uprooted the 15 plants of cannabis plants from your garden and tested the substance to be of cannabis substance. The police also tested the substance located within your home and confirmed the substance to be of cannabis.
7. The total weights of the cannabis substances possessed and planted were 14.4 kg.

C. End Sentence

8. Mr Alick Marango Beggie, you are convicted on one count of unlawful possession of cannabis and one count of cultivation of cannabis involving (mature) 15 plants weighing 14.4 kilograms for both counts. (Here, the prosecution did not provide a separate weight for the 15 plants on which Mr Marango entered his guilty pleas).
9. There is no evidence of sale or of planting for commercial purpose. The offending falls within the first category in *Wetul v. Public Prosecutor* [2013] VUCA 26. The sentence start point is 24 months imprisonment for each of the offences in count 1 and count 2 which are concurrent.
10. One third is deducted for your early guilty plea. You have no previous convictions. You are 32 years old at the time of your offending. You assisted your parents with farming work, planting food crops as well as feeding pigs. You apologize for the wrong you did, you promised to never involve in cannabis again. For your personal factors, a deduction of 4 months from the sentence start point is made to reflect this. The end sentence is 8 months imprisonment. I note that you were in custody from 18 February 2022 and released on bail on the 15 April 2022 awaiting your sentence which is a



total of 57 days already served in custody. Your end sentence of 8 months imprisonment will run from 18 February 2022 to take account of the time you served in remand.


11. I consider the lower scale of offending, good character and your prospects of rehabilitation and I decide to suspend your term of 8 months imprisonment. Your sentence is suspended for a period of 2 years. I warn you that if you offend again within the next 2 years, you will need to serve your imprisonment sentence in addition to any other penalty that may be imposed on you for the further offending.
12. In addition, you are ordered to complete 60 hours community work and 6 months of supervision.

D. Others

13. The cannabis is to be destroyed.
14. You have 14 days to appeal your sentence if you are unsatisfied with it.

Dated at Port Vila this 8th July 2022

BY THE COURT


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Vincent LUNBEK ★
Chief Justice

