

PUBLIC PROSECUTOR

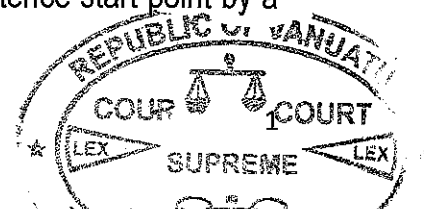
v

ALBANO RAPTICK

Date: 13 October 2023
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms M. Meltebury
Defendant – Ms L. Bakokoto

SENTENCE

1. The Defendant Albano Raptick pleaded guilty to possession of cannabis. He is convicted on his own plea and the admitted facts.
2. On 3 June 2022, at Lakatoro area on Malekula, the Police found Mr Raptick in possession of 8 packages which testing confirmed to be cannabis with a net weight of 102.654 grams. These were in Mr Raptick's black bag which he was walking along the road and carrying when the Police stopped him on suspicion of possessing cannabis.
3. The maximum penalty for the offence of possession of cannabis is 20 years imprisonment and/or a fine of up to VT100 million.
4. The aggravating factor of this offending is the quantity of cannabis. There are no mitigating factors to this offending.
5. The appropriate sentence start point is 12 months imprisonment.
6. Mr Raptick is 27 years old, with no previous convictions. He is in a *de facto* relationship. He makes his living from gardening. He has spent 15 days in custody prior to being sentenced, therefore an effective sentence of 1 month's imprisonment. For his personal factors, I reduce the sentence start point by 6 months.
7. Mr Raptick entered his guilty plea promptly but he really had no option but to plead guilty as he was caught red-handed therefore I reduce the sentence start point by a further 2 months.



8. The end sentence imposed is 4 months imprisonment.
9. This offending is at the lower end of Category 1 as set out in the Court of Appeal judgment in *Wetul v Public Prosecutor* [2013] VUCA 26. I also take into account Mr Raptick's prior clean record and early guilty plea. Accordingly, I consider that it is not appropriate to impose an immediate custodial sentence and exercise my discretion under s. 57 of the *Penal Code* to suspend the sentence for 12 months. Mr Raptick therefore needs to remain offence-free for 12 months in order to be able to remain in the community.
10. Mr Raptick is also to serve 60 hours of community work.
11. Mr Raptick has 14 days to appeal the sentence.
12. The drugs are to be destroyed.

**DATED at Lakatoro, Malekula this 13th day of October 2023
BY THE COURT**


Justice Viran Molisa Trief

