

PUBLIC PROSECUTOR
v
PIERRE PAUL ESAU

Coram: *Hon. Chief Justice Vincent Lunabek*

Counsel: *K Massing for the State*
B Taleo for the Defendant

Date of Plea: *22 April 2024*

Date of Sentence: *26 April 2024*

SENTENCE

I. Introduction

1. Mr Pierre Paul Esau ("*Mr Esau*"), you appear today for sentence.
2. On 22nd April 2024, you pleaded guilty to one count of possession of cannabis prohibited under Section 2(62) of the Dangerous Drugs Act [CAP. 12].
3. The facts of your offending are that:
 - (a) A formal complaint was made against you for the offence of possession of cannabis plants (marijuana plants) which are prohibited by the laws of the Republic of Vanuatu.
 - (b) The offending took place sometimes on the 2nd of January 2024 on Lakatoro central part of the island of Malekula. You came on a vehicle belonging to Wilson Mark. You went to a shop and close by the shop there was a garage where they usually fixed wheels (vehicles' wheels). You then gave the cannabis package to a boy named Lester Kiel and you told him to take the package. When Lester Kiel took the package, he then realized that it was a package of cannabis. He went home to his father who is a police officer and showed him the package. It is then that a police report was made against you, Mr Esau, at Lakatoro police station.
 - (c) The cannabis package was confiscated by the police and kept safe for presumptive test report. It was tested and turned to be positive of cannabis. Its net weight was 0.5 grams.



- (d) You were arrested, cautioned and interviewed by the police where you elected to speak only in Court.
4. Mr Esau, possession of cannabis is a serious offence in Vanuatu as it is against the law.
5. The maximum sentence that is available under the law of Dangerous Drugs Act (ss. 2(62), 17) is –
- "... a fine not exceeding VT100 million or to a term of imprisonment not exceeding 20 years or to both such fine and imprisonment".*
6. In this case, you unlawfully possessed 0.5 grams of cannabis which is an aggravation to the offending. There are no mitigating features to the offending.
7. The appropriate sentence start point for your offending is 6 months imprisonment.
8. In mitigation, you are 23 years old. You came from Tisman village, Malekula. You finished your education at Year 9. You started Year 10, but you did not complete it.
9. You are a first-time offender. You do not have previous convictions. You said you have a better understanding of the law during your time at the Correctional Centre as you have better insight of your behaviours which are against the law you decided to stop consuming cannabis. I note that you said you want to apologize to Mr Lester Kiel for giving him the cannabis. I give you a reduction allowance of 3 months. The remaining balance is 3 months.
10. I further take 33% reduction for your early guilty pleas given to the court. Your remaining balance is of 2 months imprisonment.
11. The pre-sentence report shows that you have already spent 3 months and 26 days in custody waiting for your case. You have actually already spent more than the remaining balance of 2 months. This means that you have served enough time for this offending. The Court must now release you from custody and set you free. It is so ordered.
12. The Court ordered that the cannabis substances seized by the police shall be destroyed.

DATED at Luganville, Santo, this 26th day of April, 2024.

BY THE COURT

Hon. Chief Justice Vincent LUNABEK

