

PUBLIC PROSECUTOR
V
SAM LANGSE

Coram: Hon. Chief Justice Vincent Lunabek

Counsel: K Massing for the State
J Vohor for the Defendant

Date of Plea: 22 April 2024

Date of Sentence: 26 April 2024

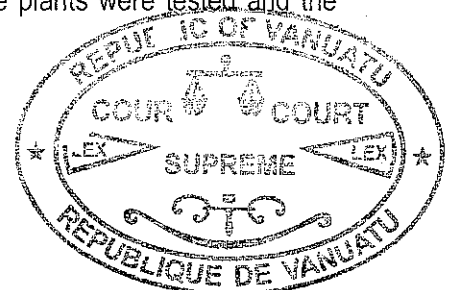
SENTENCE

I. Introduction

1. Mr Sam Langse ("*Mr Langse*"), you appear today for sentence on one (1) charge of Unlawful Cultivation of cannabis plants of 1038 plants with a net weight of 9.45 kilograms, contrary to Section 4(1) of the Dangerous Drugs Act (DDA) [CAP. 12].

II. Facts

2. On 22nd April 2024, you pleaded guilty to that charge and you admitted to the following facts:
 - (a) A formal complaint was made against you for the offence of Cultivation of cannabis plants (marijuana plants) which are prohibited by the laws of the Republic of Vanuatu;
 - (b) The offending took place sometimes in December 2023 at Nokonraboga village, central part of Pentecost Island. The police had information that you involved in the cultivation of marijuana plants. During the investigation, it was revealed that you planted 1038 marijuana plants. Therefore, an investigation was carried out by the police. During the investigation, it was revealed that you planted 1038 marijuana plants. The cannabis plants (marijuana) seized by the police were then sealed and kept in their custody for presumptive test. The net weight was 9.45 kilograms. The plants were tested and the



presumptive test result showed that the marijuana plants seized by the police were turned to be positive of cannabis;

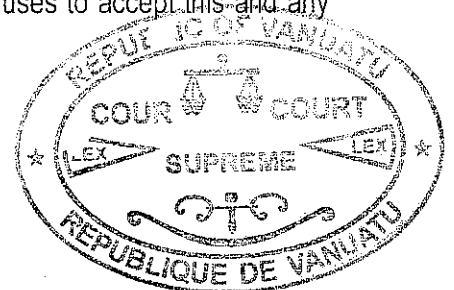
- (c) You were arrested, cautioned and interviewed by the police where you admitted the allegations made against you.

III. Sentence Start Point

3. The maximum sentence that is available for this current offending is a fine not exceeding VT100 million or to a term of imprisonment not exceeding 20 years or both such fine and imprisonment.
4. Here, Mr Langse, you planted 1038 of cannabis plants with a total net weight of 9.45 kilograms. This number of plants (1038) and quantity of cannabis substances constitute aggravating factors of this offending.
5. The circumstances of this case, place this case into category 2 of Wetul categorization set in Wetul v Public Prosecutor [2013] VUCA 26.
6. The appropriate sentence start point is 3 years and 6 months imprisonment using the case of Public Prosecutor v lakei [2014] VUSC 182 as a comparable case with similarity in principle though facts are different.

IV. Mitigating Factors for the Defendant

7. Mr Langse, you are 37 years old and you came from Nakonraboga village of Central Pentecost. Your wife's name is Cecile Mabon. You and your wife have 3 children. You stated that your home is good, you also cared for your old mother who is a diabetic case.
8. You built houses for the school and the village nakamal. You have good relationship with everyone. In terms of your earnings, you stated you sold kava and taro quite often to Port Vila market.
9. You admitted you sold cannabis substances being for assisting people with their health issues (see SDR at page 2), though no further explanation was provided.
10. I take it that this is a clear admission that you planted cannabis plants (1038) and you sold it or supplied it to others.
11. Mr Langse, you seem to dispute the total number of 1038 cannabis plants, you were alleging to have planted them and stated you planted only 50. The Court refuses to accept this and any

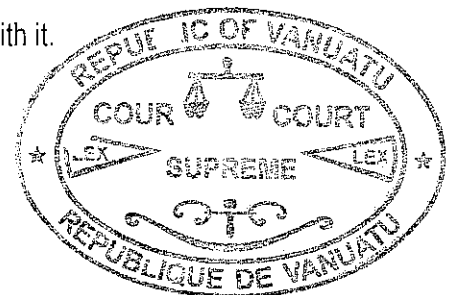


other reason you provide. The reason being that you were legally represented at the pleas processes and you entered guilty plea and admitted to these facts without hesitation.

12. In the SDR, you stated that you regretted you were aware the cannabis cultivation is illegal, nevertheless, considering its benefits as a healing remedy you decide to cultivate cannabis plants. You apologized to court you breached the Dangerous Drugs Act. You promised not to re-offend in this manner of offending. The SDR reveals that the driving force controlling you, Mr Langse, is the fact that you make good income from the sales of cannabis juices – you so ignored the law. I sense also that you may believe that the cannabis juice may have a healing remedy which may also be a contributing factor to you cultivating cannabis plants. I hope you have learned a lesson through this sentencing exercise.
13. I reduce your sentence start point of 3 years and 6 months by 3 months to reflect your mitigating factors.
14. The remaining balance of your sentence is now 3 years and 3 months imprisonment.
15. I reduce further your sentence by 33% to reflect on your earlier guilty plea given at the earlier opportunity given to you by the court.
16. The further remaining balance of your sentence is 26 months (i.e. 2 years and 2 months imprisonment).

V. The End Sentence

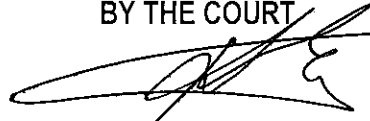
17. Your end sentence is 2 years and 2 months imprisonment.
18. You were remanded in custody on 23 December 2023 and released on bail on 9 January 2024. You have already and actually spent a total of 18 days. It will be deducted from the remaining balance of your sentence.
19. Your sentence is further reduced to 2 years 1 month and 12 days.
20. I consider but this sentence is not going to be suspended. Consistently with early sentences on this aspects see Public Prosecutor v Jean Paul Worwor Bule, Criminal Case No. 846 of 2024 and others.
21. You are ordered to serve an imprisonment term of 2 years, 1 month and 12 days. This sentence starts at the date of this sentence.
22. You have 14 days to appeal this sentence if you are unsatisfied with it.



23. The court ordered that the cannabis plants of 1038 plants weighing 9.45 kilograms seized by the police in this case, must be destroyed.

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

BY THE COURT



Hon. Chief Justice Vincent LUNABEK

