

PUBLIC PROSECUTOR
v
JEAN PAUL WORWOR BULE

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*

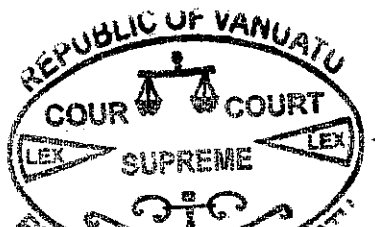
SENTENCE

I. Introduction

1. Mr Jean Paul Worwor Bule, ("*Mr Worwor*"), you appear today for sentence on one charge of unlawful cultivation of cannabis plants (80 plants) with a net total weight of 9.55 kilograms, contrary to Section 4(1) of the Dangerous Drugs Act [CAP. 12].

II. Facts

2. On 22nd April 2024, you pleaded guilty to that charge and you admitted to the following facts:
 - (a) A complaint was made against you for the offence of cultivation of marijuana (cannabis) plants;
 - (b) Police had received an information that you had involved in the activity of cultivation of marijuana (cannabis) plants. On that information, they carried out an investigation on you. During investigation, the police found out that you planted and took care of 80 plants of cannabis in your garden. They confiscated all those plants and kept them safe for presumptive test report;
 - (c) The suspected drugs were tested. The test result shows that the suspected drugs (cannabis) were turned positive of cannabis. The net weight was 9.55 kilograms;



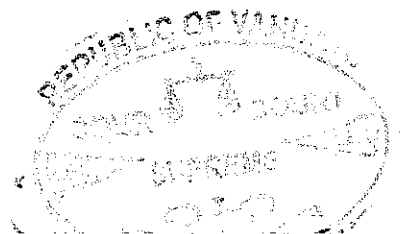
- (d) You were cautioned and interviewed by the police where you admitted the allegations made against you;

III. Sentence Start Point

3. The maximum sentence available for this offence is a fine not exceeding VT100 million or to a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.
4. Here, Mr Worwor, you cultivated 80 cannabis plants with a net total weight of 9.55 kilograms. The number of plants and the weight constitute aggravating facts to this offending.
5. Mr Worwor, on your personal factors leading up to your offending, the Same Day Report (SDR) shows that you are not a first-time offender. You have previous convictions on the offences of sexual intercourse without consent and threats to kill a person. You were released on Parole in 2016.
6. I set the 12 months to begin with and add it up with 2 months to reflect on your previous convictions. Your sentence start point is of 14 months imprisonment based on category 2 of the Wetul's case in *Wetul v Public Prosecutor* [2013] VCA 26 and using the comparable case of *Public Prosecutor v lamalu* [2023] VUSC 184 (although, lamalu is less serious than the present case).

IV. Mitigating factors to the offender

7. You are 40 years old. You are from Ambrym island but you live with your defacto wife (Mrs Rose Saksak) and children at Vasalal village on Central Pentecost. You make a living as a gardener. You sustain your living from selling of root crops, vegetables and kava at Bwatnapni market, Central Pentecost. Money you earned at the market sell is enough to endure your living.
8. You stated you admitted your offending but you said you had no intention to plant cannabis for sale or use it for smoking but for local medicine. I refuse to accept that. The big number of cannabis plants (80) and the quantity of 9.55 kilograms must infer that the cultivation is intended to be supplied to others. Mr Worwor said you planted cannabis for local medicine. In the absence of detailed reasons, I take it that the cultivation of cannabis here, is to extract profit.
9. Mr Worwor stated in the Same Day Report that the 80 plants referred to in the prosecution's brief of facts were false. He said he planted only 32 cannabis plants. I reject that also. Mr Worwor pleaded guilty and admitted to the facts that he had planted 80 cannabis plants. He cannot come back to it in the SDR.
10. I give you a reduction allowance of 2 months to reflect any mitigating factor.



11. I reduce your sentence further by 33% to reflect your guilty pleas at the first opportunity given to you by the court.
12. Your sentence remaining balance is 8 months imprisonment.

V. End Sentence

13. Your end sentence is 8 months imprisonment.
14. You have already spent 17 days in pre-custody period. It will be taken into account in your favour. Your now remaining balance of the sentence is 7 months and 13 days imprisonment.
15. Should the sentence term of 7 months and 13 days be suspended? I refuse to suspend it for the reason that this imprisonment is about cultivation of cannabis which is at the root cause of this drug locally.
16. Mr Worwor, you are sentenced to 7 months and 13 days imprisonment. This sentence comes into effect at the date of this sentence.
17. The court ordered that the cannabis plants (80 plants) weighing 9.5 kilograms seized by the police must be destroyed.

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

BY THE COURT

Hon. Chief Justice Vincent LUNABEK

