

PUBLIC PROSECUTOR

V

WAKON BONG SAKSAK

Coram: *Hon. Chief Justice V. Lunabek*

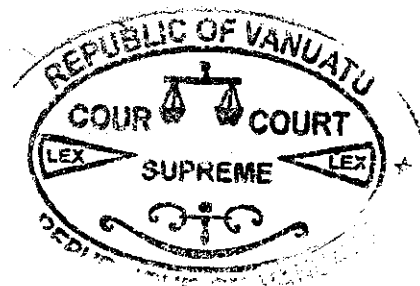
Counsel: *Mr J Aru for the State*
Ms B Taleo for the Defendant

Date of Pleas: *22 April 2024*

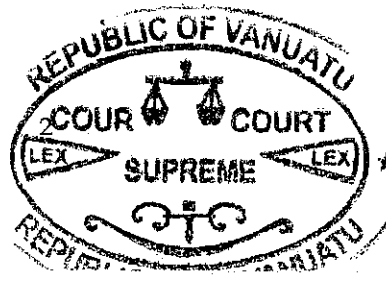
Date of Sentence: *23 May 2024*

SENTENCE

1. Mr Wakon Bong Saksak ("*Mr Wakon*"), you appear today for sentence having being pleaded guilty to one charge of cultivation of cannabis plants, contrary to Section 4(1) of the Dangerous Drugs Act [CAP. 12].
2. A formal complaint was made against you, Mr Wakon, for the offence of cultivation of cannabis plants which are prohibited by the laws of the Republic of Vanuatu.
3. The offending took place sometimes in September 2023 on Vanto Village on the northern part of the island of Ambrym. The police received information that you were involved in cultivating cannabis plants. Upon that information, the police did an investigation. During investigation, it was revealed that you cultivated 2 plants of cannabis plants. The cannabis plants were seized by the police.
4. The cannabis plant seized by the police were then sealed and kept in their custody for presumptive test. The net weight was 109.4 grams. The presumptive test result showed that the cannabis plants seized by the police were turned to positive of cannabis.



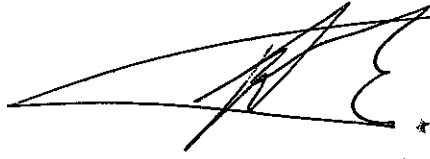
5. You were arrested, cautioned and interviewed by the police where you admitted the allegations against you.
6. The offence of cultivation of cannabis plants carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.
7. In this case, there is no mitigating factors to the offending, but the following aggravating factors exists:-
 - (a) You had a knowledge intention of the nature of the plant in your possession as opposed to being reckless in possessing and cultivating it;
 - (b) Here, you cultivated 2 cannabis plants with a net weight of 109.4 grams.
8. Wetul v Public Prosecutor [2013] VUCA 26 is the guideline judgment on cultivation of cannabis plants which set out three broad categories. This present case lies under category 1 of the Wetul guidelines as it involves the cultivation of cannabis plant at small-scale.
9. The sentence start point is of 2 years imprisonment.
10. In mitigation, Mr Wakon, you are 19 years of age. You are a first-time offender with no criminal history. Your highest level of education is Year 9 at Tebakor College. You are unemployed. You live with your mother. You are dependent on your mother. You make a living through farming and poultry. This is how you are able to help support yourself and your mother. You cooperated well with the police and made admissions in your cautioned interview. Your cooperation and early admissions have save the Republic's time and resources in bringing this matter to a finality. You have a good relationship with your family and community.
11. I give you a credit reduction allowance of 3 months for your mitigating factors.
12. I give also a credit reduction of 33% for your earlier guilty.
13. The remaining balance of your sentence is 14 months imprisonment. This is your end sentence.
14. You were remanded in custody from 22 December 2023 to 8 February 2024. So, you have already spent a total of 2 months and 10 days in pre-custodial period. The time that you have already spent in custody shall be deducted from your sentence.



15. The new remaining balance of your sentence is now 11 months and 20 days. I consider the nature and circumstances of your offending and your character as an offender, I decide to suspend your term of imprisonment of 11 months and 20 days for a period of 2 years.
16. In addition to the suspension of your imprisonment term, you are ordered to perform 60 hours of community work and 6 months supervision under the standard conditions.
17. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.

DATED at Luganville, Santo, this 23rd day of May, 2024.

BY THE COURT


Hon. Chief Justice Vincent LUNABEK

