

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU  
(Criminal Jurisdiction)

Criminal  
Case No. 24/3046 SC/RML

**BETWEEN:** Public Prosecutor

**AND:** John Garae Tambe  
Defendant

**Before:** Justice Oliver A. Saksak

**Counsel:** Mr Jordan Aru for Public Prosecutor  
Mr Steven Garae ( Junior) for Accused

**Date of Plea:** 21<sup>st</sup> October 2024  
**Date of Sentence** 22<sup>nd</sup> October 2024

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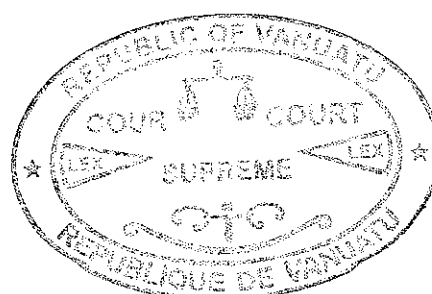
SENTENCE

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1. The defendant pleaded guilty to one charge of unlawful possession of cannabis and his here for sentence today.
2. He was charged also for possession of property suspected to be proceeds of crime under section 12 of the Proceeds of Crimes Act [ Cap 284] to which he pleaded not guilty. Prosecutions entered nolle prosequi under section 29 of the Criminal Procedure Code Act [ CAP 136 and he was discharged accordingly of this charge.
3. On 22<sup>nd</sup> December 2022 the defendant was found intoxicated and disturbing the public at the Saratamata football field. The Police were alerted who apprehended the defendant and searched him. The Police found 2 plastic packages containing 50 cannabis joints each in his pocket of trousers and 19 other joints found in his shirt pocket, a total of 119 joints of cannabis. The Police also found 2 packages of dried cannabis substance, 4 packages of cannabis rolled in paper, 7 talio paper and VT 40,000 in cash. The total weight of the substance was 72.3 grams.



4. The facts show the defendant has been cultivating cannabis since 2021, packaging them and selling them. He is a habitual offender involved in planting, supplying, packaging and selling the substance. He appears to be making a commercial benefit out of the substance. But in doing so, he has put people to great risk of mental disorders in the future. These are the aggravating features of the offendings. There are no mitigating circumstances.
5. Taking all these factors into consideration, together with the seriousness of the offence with the high penalty of VT 100 million fine or 20 years imprisonment. And in light of the Court of Appeal guideline in Wetul v PP [2013] VUCA 26, the defendant 's offendings fall within category 2. I therefore adopt the start sentence of 3 years imprisonment.
6. In mitigation, I reduce his sentence by 1/3 for guilty plea. The balance be 2 years imprisonment. For his remorse and other personal factors, including the period of 5 days spent in custody, I allow a further reduction by 6 months. His sentence is therefore 1 year 6 months suspended for 2 years on good behaviour under section 57 of the Penal Code Act. He must remain offence free for 2 years. If he commits any other offences within this period for which h would be charged and convicted, he will go to prison to serve his sentence of 1 year and 6 months.
7. In addition, I sentence the defendant to 50 hours of community work to be performed within 12 months from the date of this sentence.
8. Finally I condemn the substance held in the custody of the Police to destruction within 7 days from the date of this order.



9. That is the sentence of the defendant. He may appeal within 14 days if he wishes.

**DATED at Saratamata, East Ambae, this 22<sup>nd</sup> day of October 2024**

**BY THE COURT**

**Hon. OLIVER A SAKSAK**

**Judge**

