

**PUBLIC PROSECUTOR**  
**v**  
**MARIE-FRANCE GALINIE**

Date of Plea: 19 November 2024  
Date of Sentence: 28 January 2025  
Before: Justice M A MacKenzie  
Counsel: Public Prosecutor – Ms G Kanegai (Holding papers for Mr M Kalwatong)  
Defendant – Mrs Karu (Holding papers for Ms C Dehinavania)

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**SENTENCE**

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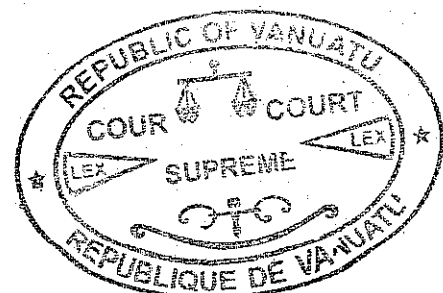
1. Marie Galinie, you appear for sentence having pleaded guilty to one charge of possession of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

**The Facts**

2. On 11 September 2024, police received information that you were packaging cannabis ready for sale. When police acted on this information, you were in the process of rolling cannabis into balls, covering them with foil and putting them inside a container. You confirmed to police that you were rolling cannabis. Under caution, you confirmed the cannabis was yours to smoke. Testing confirmed it was cannabis, with a net weight of 46.2 g.

**Sentencing purposes/principles**

3. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were in possession of cannabis. Cannabis is an illegal drug which causes social harm. The sentence should ensure you take responsibility for your actions, and help you to rehabilitate. It must also be generally consistent.



## Approach to sentence

4. Sentencing involves 2 separate steps; *Jimmy Philip v Public Prosecutor* [2020] VUCA 40, which applied *Moses v R* [2020] NZCA 296.

## Starting point

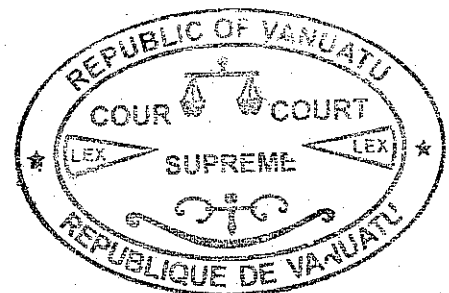
5. The first step is to set a starting point, with reference to the maximum penalty and factors relating to the offending.
6. The one aggravating factor is the quantity of cannabis, being 46.2 g. There are no mitigating features of the offending itself.
7. There is a guideline case for cannabis cultivation, *Wetul v Public Prosecutor* [2013] VUCA 26. It also applies to possession of cannabis. Here, the offending involves a moderate amount of cannabis for personal use. There is no evidence of commerciality here though. Therefore, it falls within Category 1 of *Wetul*. So, the usual sentencing outcome would be a fine or other community-based sentence, or a short custodial sentence.
8. I adopt a starting point of 12 months imprisonment, consistent with *Public Prosecutor v Norixon* [2024] VUSC. *Norixon* involved a charge of possession of cannabis. The amount of cannabis was 58g, similar to the amount of cannabis in the present case.

## Guilty plea and personal factors

9. You pleaded guilty at an early opportunity. The sentence is reduced by 25 percent. The case against you was overwhelming and there was no option but to plead guilty. That is 3 months.
10. There is a very positive presentence report, which addresses your circumstances. You are aged 65 years, are a first offender and co-operated with police. You are remorseful, open to rehabilitation and have a range of health issues. For these factors, I reduce the starting point by 2 months imprisonment, which equates to approximately 15%.
11. You were remanded in custody between 11-27 September 2024, a period of 16 days, and effective sentence of one month's imprisonment. The sentence is reduced by one month for this factor.

## End Sentence

12. The end sentence is 6 months imprisonment



13. Taking into account the circumstances, the nature of the offending and your character, I have decided to suspend the sentence pursuant to s57 of the Penal Code for 12 months. First, this is because you were in possession of the cannabis for personal use. Second, you have learnt your lesson, you are a first offender aged 65 years, are fully co-operative and there are prospects of rehabilitation. In those circumstances, suspending the sentence will meet the need for accountability, deterrence and denunciation and will promote in you a sense of responsibility. If you offend again in the next 12 months, you will need to serve the sentence of imprisonment in addition to any other penalty that may be imposed for the further offending.
14. I consider that a sentence of 6 months supervision should also be imposed to assist you in your rehabilitation so that you can learn to deal with health issues without resort to an illegal drug.
15. The cannabis material is to be destroyed.
16. You have 14 days to appeal.

**DATED at Port Vila this 28th day of January 2025  
BY THE COURT**

*MA MacKenzie*  
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Justice M A MacKenzie

