

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

Criminal
Case No. 25/2191 SC/CRML

BETWEEN: Public Prosecutor

AND: Remy Bani
Defendant

Coram: Justice Dudley Aru
Counsel: Ms. J. Tete the Public Prosecutor
Ms. B. Taleo for the Defendant

SENTENCE

Introduction

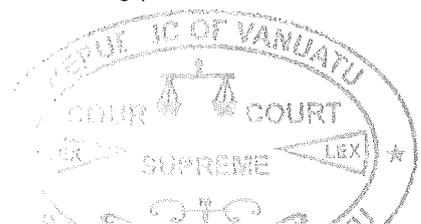
1. Remy Bani pleaded guilty to a single charge of cultivation of cannabis plant. He is convicted on his guilty plea and the admitted facts. This is his sentence.

Facts

2. On 4 June 2025 Police Officers met the defendant at his father's nakamal at Nalivuhaivanua and the defendant admitted that he was also cultivating cannabis and the defendant led Police Officers to his garden. At the garden the Police saw what they suspected to be cannabis plants. They uprooted a total of 24 plants altogether. The defendant was then arrested.
3. A test was conducted on the plants by the Police on 5 June 2025 and the test results confirmed that the plants were cannabis plants. The 24 cannabis plants found in the defendant's garden weighed a total net weight of 15.295 kilograms.
4. The defendant admitted to the Police that he cultivated the plants for his own personal use.

Sentence Start point

5. The maximum sentence available for cultivation of cannabis plants is a fine not exceeding VT 100 million or a term of imprisonment not exceeding 20 years or to both as set out in s17 of the Dangerous Drugs Act [CAP 12]. The only aggravating factor is that there were a total of 24 cannabis plants with a total net weight of 15.295 kilograms. There are no mitigating factors of the offending.
6. The prosecution submits that planting 24 cannabis plants falls within category 2 of Wetul v PP [2013] VUCA 26 as a small scale cultivation and submitted that the starting point of sentence



should be between 12 to 18 months imprisonment. Defence Counsel acknowledged that given the number of cannabis plants and the net weight, this type of offending could fall within either category 1 or 2 of *Wetul*. Defence submitted that the starting point of sentence should be 2 years imprisonment.

7. I adopt a starting point of 18 months imprisonment,

Guilty plea and personal factors

8. The guilty plea was entered at the first available opportunity. Also considering the strength of the prosecution case the sentence start point will be discounted by 27 %.

9. The Same Day Report shows that the defendant is 21 years old, is single and lives under the care of his parents. He is a first-time offender. He completed his education at Year 10 at Matevulu College and sustains his living through gardening and sale of copra.

10. For the defendant's personal factors I deduct 3 months from the sentence start point.

End sentence

11. I sentence you to an end sentence of 10 months imprisonment.

12. Noting that the defendant admitted to the Police that the cannabis was for his personal use and there has been no indication that he was selling cannabis and the fact that the defendant is a first time offender and is of 21 years of age I will suspend the sentence for a period of 2 years. Should the defendant reoffend during this period he will be arrested and remanded in custody to serve his sentence. In addition the defendant will perform 80 hours community work. I also order supervision for a period of 6 months for the defendant to undertake rehabilitation in relation to his offending.

13. I also direct that the seized cannabis be destroyed immediately.

14. You have 14 days to appeal if you are not satisfied with the decision.

DATED at Luganville, Santo this 27th day of August, 2025

BY THE COURT

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Dudley Aru
Judge

