

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

Criminal
Case No. 25/2192 SC/CRML

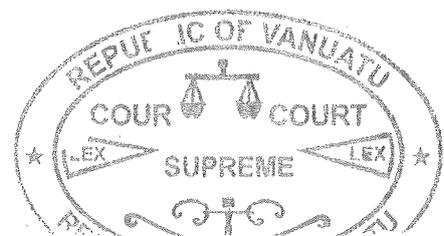
BETWEEN: Public Prosecutor

AND: Matarawe Molileo
Defendant

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

SENTENCE

1. Matarawe Molileo pleaded guilty to a single charge of possession of cannabis substance. He is convicted on his guilty plea and the admitted facts. This is his sentence.
2. On 17 August 2025 the Police were looking for the owner of a red vehicle at the Laplas area downtown when they came across the defendant and a friend at the side of the river at Laplas. Police Officer Kelep Ser approached them and found that they were both smoking cannabis. He searched the defendant and his friend and found a package of what he suspected to be cannabis in the defendant's handbag and he was then arrested.
3. A test was conducted by the Police on 24 April 2025 on the contents of the aluminium foils found in the defendant's bag. The test confirmed that the substance contained in the aluminium foils were cannabis with a total net weight of 29.8 grams.
4. The defendant admitted the offending to the Police.
5. The maximum sentence available for the offence of possession of cannabis substance is a fine not exceeding VT 100 million or imprisonment not exceeding 20 years or to both. This is specified under s17 of the Dangerous Drugs Act [CAP 12]. The weight of the cannabis 29.8 grams though very small compared to other cases is the only factor that appears as an aggravating factor yet it is not a significant amount. There are no mitigating factors of the offending.
6. The prosecution submits that this case falls within category 1 of the classification in *Wetul v PP* [2013] VUCA 26 and is at the lower level of offending given the small quantity found on the defendant with a net weight of 29.8 grams it was submitted that this is lower than 58.5 grams in *PP v. Norixson* [2024] VUSC 213 where the Court adopted a starting point of sentence of 12



- months imprisonment. Contrasted with PP v Garae [2022] VUSC 33 it was submitted that that case also involves cannabis with a net weight of 58 grams and the defendant was sentenced to perform 60 hours community work.
7. It was finally submitted that given the small quantity of cannabis the defendant should be sentenced to supervision and 70 hours community work with special condition that the defendant attends drugs awareness rehabilitation.
 8. Defence Counsel on the other hand submits that a starting point of 10 to 12 months imprisonment be adopted, and taking into account time already spent in custody, it was submitted that should be taken as sentence served given the small quantity and weight of the cannabis substance.
 9. Considering the submissions and the fact that the defendant is a first time offender and has spent some time on remand before he was released on bail, I sentence the defendant to 70 hours community work with supervision for a period of 6 months to undertake rehabilitation in relation to his offending.
 10. The defendant has 14 days to appeal if he is not satisfied with the decision.

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

BY THE COURT


Dudley Aru
Judge

