

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

Criminal  
Case No. 25/2196 SC/CRML

BETWEEN: Public Prosecutor

AND: Max George  
Defendant

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

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## SENTENCE

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### Introduction

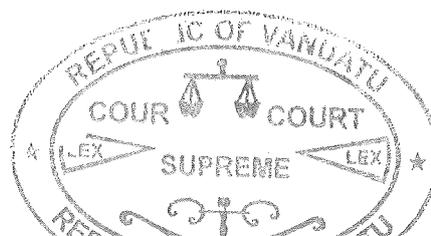
1. Max George pleaded guilty to a single charge of cultivation of cannabis plant. He is convicted on his guilty plea and the admitted facts. This is his sentence.

### Facts

2. Following information received by the Police that the defendant was cultivating cannabis, on 6 June 2025, the Police accompanied by chiefs went to the defendant's house at Nailivuhaivanua village to see the defendant. The Police came to the defendant's house to make enquiries about his garden of cannabis plants, and he took them to where the garden was. The Police saw what they suspected to be cannabis plants. Police Officer Nimau Seru uprooted a total of 122 plants altogether and the defendant was then arrested.
3. On the same day a test was conducted on the plants and the test confirmed the plants to be cannabis plants. The total net weight of the 122 cannabis plants was found to be 30.770 kilograms. The defendant admitted to the Police that he cultivated the plants.

### Sentence start point

4. 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. This is provided for under s17 of the Dangerous Drugs Act [CAP12]. The main aggravating factor of the defendant's offending is the total net weight of the 122 cannabis plants which is 30.770 kilograms. There are no mitigating factors.
5. The prosecution referred to PP v Nango [2024] VUSC 250 which involved cannabis with a net weight of 81 kilograms and PP v Wea [2024] VUSC 160 which involved cannabis with a net



weight of 30.8 kilograms. It was submitted that the offending in both cases was classified as category 2 offending within the classification rated by *Wetul v PP* [2013] VUCA 26. It was submitted that the current case falls within the category 2 offending as well. The prosecution submitted a sentence start point of 18 to 24 Months imprisonment.

6. Defence Counsel submitted that the sentence start point should be 2 years imprisonment.
7. I set the starting point of sentence at 2 years imprisonment.

#### **Guilty plea and personal factors**

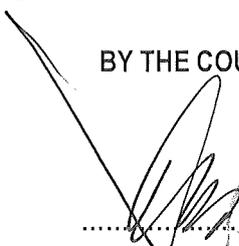
8. The defendants entered a guilty plea at the earliest available opportunity. Taking into account the strength of the prosecution case, the sentence start point will be discounted by 27 %.
9. The Same Day Report states that the defendant is 26 years old and single. He is also a first-time offender. He completed school at year at the Santo East Secondary school. He earns his living through sales of copra which he uses to support his elderly grandparents.
10. Considering 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 15 months imprisonment.
12. Next, I consider whether I should suspend the sentence. You are a first-time offender. Although the offending falls within category 2 of *Wetul* there is no indication of any sale or whether the drugs were for commercial purposes. On that basis I will suspend your sentence for a period of 2 years. Should you reoffend during this period you be arrested to serve your sentence in custody. In addition, you will perform 90 hours of community work. I also order supervision for a period of 6 months to undertake rehabilitation relating to your 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 27<sup>th</sup> day of August, 2025**

**BY THE COURT**

  
Dudley Aru  
Judge

