

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

**Criminal**  
**Case No. 25/2213 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**JACKSON BULE**

Date of Plea: 17 November 2025  
Date of Sentence: 21 November 2025  
Before: Justice M A MacKenzie  
Counsel: Public Prosecutor – Ms S Langon  
Defendant – Mr H Rantes

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**SENTENCE**

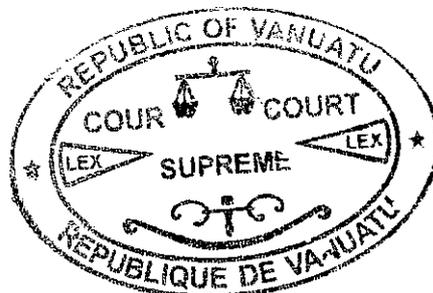
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**Introduction**

1. Mr Jackson Bule, you appear for sentence having pleaded guilty to a charge of cultivation of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

**The Facts**

2. In November 2024, you came to the attention of police in relation to suspected cultivation of cannabis. On 22 November 2024, police visited your garden at Isangel and saw you watering cannabis plants. Police then uprooted 136 cannabis plants from your garden. Testing confirmed that the plants were cannabis. The plants had a total net weight of 15 kg. The plants were varying heights, indicative of differing growth cycles. There were 90 small plants at a height of 1 metre, with a total weight of 2.5 kg. There were also 46 large plants at a height of 1.80 metres, with a total weight of 12.5 kg.



3. Under caution you elected to speak in Court.

### **Sentencing purposes/principles**

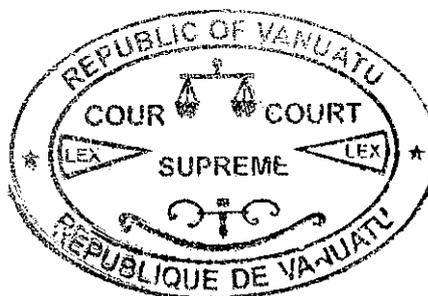
4. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were cultivating cannabis, which causes social harm. The sentence should ensure you take responsibility for your actions and help you to rehabilitate. It must also be generally consistent.

### **Approach to sentence**

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

### **Starting point**

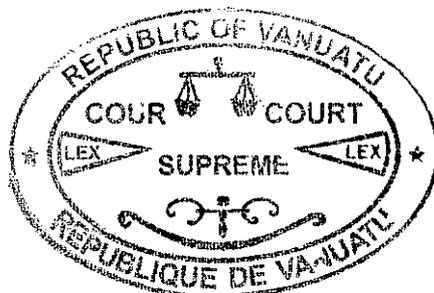
6. The first step is to set a starting point with reference to the aggravating and mitigating features of the offending and the maximum penalty for the offence.
7. The aggravating factors here are:
  - a. you deliberately cultivated the cannabis.
  - b. the quantity is significant, being 136 cannabis plants with a net weight of 15 kg.
  - c. There is an inference that you were growing the cannabis to sell, given the differing heights of the plants from small to more mature indicates more than one growth cycle. The significant quantity is also an indicator.
8. There are no mitigating features of the offending itself.
9. There is a guideline case for cannabis cultivation, *Wetul v Public Prosecutor* [2013] VUCA 26. Given the large quantity of cannabis, and the differing heights of the plants, indicative of growth cycles, I infer you were likely selling cannabis. Although I acknowledge there is no evidence of actual sales. Therefore, the offending here falls within category 2 of *Wetul*, with a starting point range of 2- 4 years imprisonment.



10. Both counsel made submissions as to the appropriate starting point. The prosecutor submits that the appropriate starting point is 3-4 years imprisonment. Defence counsel submits that the appropriate starting point is 3 years imprisonment.
11. Recent sentencing patterns in the Supreme Court would indicate a hardening in the approach to sentencing for cultivation of cannabis. I refer to *Public Prosecutor v Leo* [2024] VUSC 91, *Public Prosecutor v Lulu* [2024] VUSC 103 and *Public Prosecutor v Medias* [2024] VUSC 98. In each of these cases the starting point set was 3 years imprisonment for cultivation of cannabis. In *Leo*, there were 41 plants with a net weight of 5.90 kg. In *Lulu*, there were 67 plants, with a net weight of 5.30 kg. In *Medias*, there were 198 plants, with a net weight of 8.50 kg. The circumstances of those three cases are less serious than the present case, given the net weight of the cannabis here.
12. In setting the starting point I have considered two cases by way of cross check: *Public Prosecutor v Tabi* [2024] VUSC 63 and *Public Prosecutor v Batick* [2024] VUSC 96.
13. In *Public Prosecutor v Tabi*, a starting point of 3 years imprisonment was set for broadly similar offending. In *Tabi*, the defendant cultivated 975 cannabis plants with a net weight of 14.05 kg. The Court considered that the offending fell within Category 2 of *Wetul*. The end sentence was not suspended.
14. In *Public Prosecutor v Batick*, a starting point of 3 ½ years imprisonment was set for a charge of cultivation of cannabis. The defendant cultivated 322 cannabis plants with a net weight of 12.30 kg. The Court considered that the offending fell within Category 2 of *Wetul*. The end sentence was not suspended.
15. The quantity of cannabis, together with the different sized plants, meant that you had a steady supply of cannabis to harvest. As noted, while there is no actual evidence of sales, I infer you were likely selling cannabis. Taking account of the matters just discussed, and the cases I have referred to, I adopt a starting point of 3 years imprisonment.

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

16. The sentence is reduced by 25 % for your guilty plea. The case against you was overwhelming. You had no option but to plead guilty. This reduces the sentence by 9 months.
17. You are aged 33 years and a first offender. You are married and have 2 children. You are well regarded by your family and your community. You are remorseful. For remorse and good character, as evidenced by your lack of criminal history and standing in the



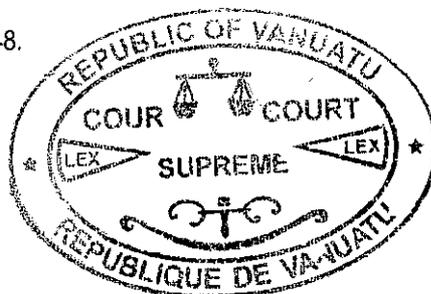
community, I reduce the sentence by 3 ½ months, which equates to a sentence reduction of 10 percent.

18. You were remanded in custody between 25 November and 23 December 2024, a period of one month, which equates to a 2 month term of imprisonment. The sentence is reduced by 2 months for this factor.

### End Sentence

19. The end sentence is 21 ½ months imprisonment.
20. Your counsel asks that the sentence be suspended pursuant to s 57 of the Penal Code. The prosecutor submits that the sentence should not be suspended, and that a term of imprisonment be imposed. Pursuant to s 57, I must take into account the circumstances, the nature of the offending and your character. When exercising the discretion under s 57, the Court of Appeal in *Public Prosecutor v Garae* [2025] VUCA 37<sup>1</sup> recently affirmed the approach to the exercise of the discretion. A sentencing Judge is to take into account all aggravating and mitigating factors relevant to the discretion. This requires a balancing exercise of the factors against, and the factors, for, suspension.
21. There are factors which point away from suspension. This is serious offending. Firstly, you deliberately cultivated cannabis, an illegal activity. Secondly, the net weight of the cannabis was significant. The quantity and the varying heights of the plants from small to more mature plants show this was not a one-off but rather there was more than one grow cycle. These factors are indicators of commerciality. Growing and selling cannabis to others puts people at risk. There are factors which point towards suspending the sentence. You are a first offender, accept responsibility, have a family to support and are well regarded in your community.
22. It is a matter of weighing and balancing the factors both for and against suspension. The need for accountability, deterrence and denunciation are relevant to the balancing exercise, as is the need for consistency in sentencing. Suspending the sentence will not meet the need for accountability, deterrence and denunciation. It would send a wrong message to the community if the sentence was suspended, given the quantity of cannabis involved here. In this case, the factors against suspension weigh heavily in the balance. Therefore, weighing and balancing the factors, both for and against suspension of the sentence, I decline to suspend the sentence in whole or in part. The sentencing needs can only be met in this case by a fulltime custodial sentence. I note that such an approach is consistent with *Meltherongrong v Public Prosecutor* [2024] VUCA 53, where the Court of Appeal dismissed an appeal against a refusal to suspend the sentence imposed for cultivation of 6 kg of cannabis, observing that it was serious

<sup>1</sup> At paragraph 28. See also *Malau v Public Prosecutor* [2021] VUCA 48.



offending, involving a significant amount of cannabis in a deliberate flouting of the law. Those observations are very apt here.

23. The sentence is to commence immediately. Section 50 of the Penal Code does not apply to you.
24. The cannabis material is to be destroyed.
25. You have 14 days to appeal.

**DATED at Port Vila this 21st day of November 2025  
BY THE COURT**

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Justice M A Mackenzie

