

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

Criminal
Case No. 25/1300 SC/CRML

PUBLIC PROSECUTOR

v

FANGA LAVA

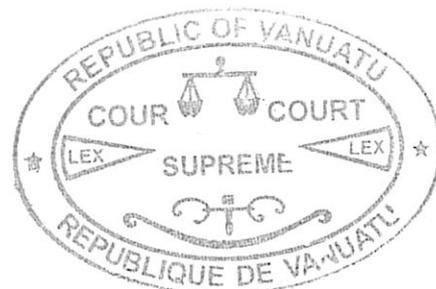
Date of Plea: 17 November 2025
Date of Sentence: 21 November 2025
Before: Justice M A MacKenzie
Counsel: Public Prosecutor – Ms S Langon
Defendant – Mr R Melsul

SENTENCE

1. Mr Fanga Lava, you appear for sentence having pleaded guilty to two charges 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 10 January 2025, police saw you drinking alcohol at a store in Lenakel village. When a police officer went to speak to you, he noticed you putting a cannabis joint behind your ear. You were arrested and searched at the police station. Police then found two more cannabis joints in your trouser pocket. Testing confirmed the joints were cannabis, with a net weight of 5 g.
3. Under caution, you elected to speak in Court.



Sentencing purposes/principles

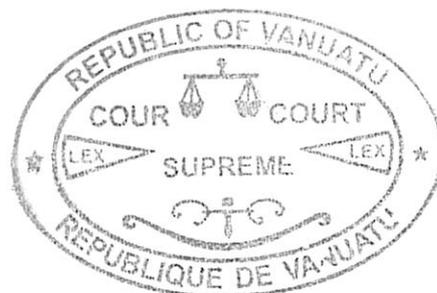
4. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were in possession of cannabis. Cannabis is an illegal drug which causes social harm. The sentence should ensure you take responsibility for your actions and help you to rehabilitate. It must also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

Approach to sentence

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 maximum penalty and factors relating to the offending.
7. The one aggravating factor is the quantity of cannabis, being 5 g. There are no mitigating features of the offending itself.
8. 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 relatively small amount of cannabis for personal use. There is no evidence of commerciality. Therefore, it falls within Category 1 of *Wetul*. So, the usual sentencing outcome would be a fine or other community-based sentence. This does not fall into a serious Category 1 case or persistent offending as described in *Wetul* as warranting a term of community work or supervision or even a short custodial sentence.
9. Supreme Court sentences for Category 1 possession of cannabis offending show a wide range of sentence starting points. This may reflect the actual culpability of the offending, which must always be properly assessed. As the Court of Appeal recently said in *Meltek v Public Prosecutor* [2025] VUCA 41, it is better to assess the starting point with reference to the features of the offending itself. This is particularly important where there is a guideline case. The offending here is at the lower end of Category 1 of *Wetul* as it involves a small amount of cannabis for personal use. On a spectrum it is not serious, or persistent.
10. By way of cross check, I have considered *Public Prosecutor v Malon* [2024] VUSC 58. *Malon* also involved a charge of possession of cannabis involving a small quantity of cannabis, being 5.3g. The Honourable Chief Justice sentenced Mr Malon to 60 hours community work, consistent with *Wetul*.



11. Given that the offending here falls within the less serious end of Category 1 of Wetul, and the similarity to *Malon*, I consider that a community based sentence of community work and supervision is appropriate.

Guilty plea and personal factors

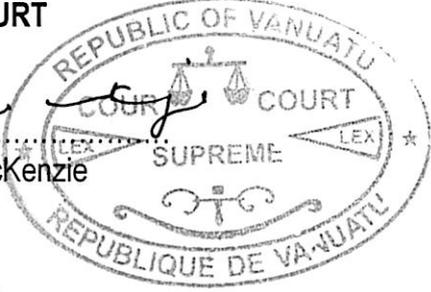
12. As I intend to impose a community-based sentence, it is unnecessary to consider in detail the reduction for the guilty plea and your personal circumstances in the usual manner. But briefly, you pleaded guilty at an early opportunity. You are aged 31 years and are married with two dependent children. You are remorseful.
13. You were remanded in custody between 20 January and 5 February 2025, a period of 17 days, an effective sentence of approximately one month's imprisonment. This must be taken into account and I intend to do so by reducing the amount of community work hours imposed.

Sentence

14. The sentence I impose is 50 hours community work and 6 months supervision. That combination of sentences will meet the need for accountability and deterrence but will also address your rehabilitation. It also takes into account the fact you have spent a month in custody, which has held you accountable.
15. The cannabis material is to be destroyed.
16. 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

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The words "REPUBLIC OF VANUATU" are written along the top inner edge, and "REPUBLIQUE DE VANUATU" along the bottom inner edge. The word "COURT" appears on both the left and right sides of the inner circle. In the center, below the scales, is the word "SUPREME". Two small stars are positioned on the left and right sides of the inner circle, flanking the word "SUPREME".