

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

**Criminal**  
**Case No. 25/1414 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**WILLIE ALICK**

Date of Plea: 2 December 2025  
Before: Justice M A MacKenzie  
In Attendance: Public Prosecutor – Ms S Langon  
Defendant – Mrs K Karu

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**SENTENCE**

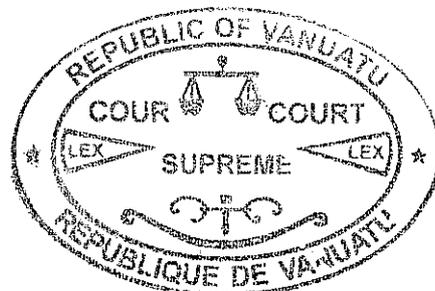
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**Introduction**

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

**The Facts**

2. In March 2025, the police drug unit conducted an operation in relation to suspected drug users in Port Vila. On 21 March 2025, police saw you near the airport. You had a backpack with you, which contained some small baskets. These baskets contained cannabis plant material. Testing confirmed that the plant material was cannabis with a net weight of 133.5 grams.
3. You were arrested and were interviewed under caution. You told police that the cannabis was not yours, and that you had the cannabis in your possession so as to make a report to police about it the next day.



## Sentencing purposes / principles

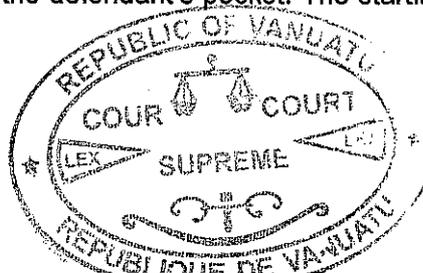
4. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were in possession of cannabis. Cannabis is an illegal drug which causes social harm. The sentence should ensure you take responsibility for your actions and help you to rehabilitate. It must also 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 133.5 g. There are no mitigating features of the offending itself. I do not regard your position that the cannabis did not belong to you to be a mitigating factor of the offence itself. That is because you are charged with possession of cannabis, and not ownership of cannabis. And the reality is that despite your claim to have the cannabis in your possession to hand it in to police, the fact remains that you did not.
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 an at least moderate amount of cannabis. There is however, no evidence of commerciality. Therefore, it falls within Category 1 of *Wetul*. Given the quantity of cannabis, it falls into the more serious end of Category 1 offending as described in *Wetul* as warranting a term of community work or supervision or even a short custodial sentence.
9. The prosecutor submits that the appropriate starting point is 2-3 years imprisonment. Mrs Karu submits that the appropriate starting point is a sentence of community work. Given that this is Category 1 *Wetul* offending, a starting point of 2-3 years imprisonment is too high. Such a starting point would be for category 2 offending.
10. By way of cross check, I have considered *Public Prosecutor v Abal* [2023] VUSC 162 and *Public Prosecutor v Betsesai* [2024] VUSC 171. These sentencing cases involve broadly similar offending. In *Abal*, the defendant was sentenced for a charge of possession of 140 g cannabis, found in an island basket. The starting point adopted was 12 months imprisonment. In *Betsesai*, the defendant was sentenced for a charge of possession of 107.5 g cannabis, which was in the defendant's pocket. The starting



point adopted was 12 months imprisonment. The Court considered the offending fell within Category 1 of *Wetul*.

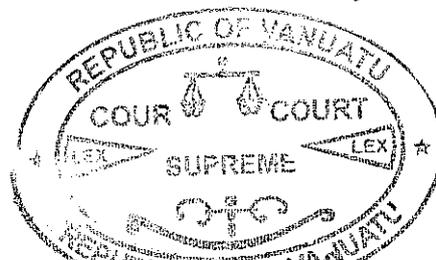
11. Given that this is *Wetul* category 1 offending at the more serious end of the spectrum because of the quantity involved, and taking the cases I have referred to into account, I adopt a starting point of 12 months imprisonment. I do not agree that the starting point can be a sentence of community work, given the amount of cannabis in your possession.

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

12. You entered a guilty plea to the charge, three days before trial, so a long way down the track. A day was allocated for the trial. Court time and resources had been expended. The sentence reduction needs to reflect the late plea. The sentence is reduced by 1 ½ month for this factor (approximately 10 %).
13. You are aged 40 years and are a first offender. You are of good character. You are from Tongoa but live in Port Vila currently. You have shipping and other skills. You are well regarded in your community. As you are a first offender of good character, the sentence is reduced by 1 month (approximately 8.5 %).

### **Sentence**

14. The end sentence is 9 ½ months imprisonment.
15. The real issue is whether the Court should step back from suspension of the sentence and impose only a community-based end sentence. Under s 57 of the Penal Code, the sentence may be suspended, after having regard to 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 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.
16. There is no need to impose a sentence of imprisonment given that this is *Wetul* Category 1 offending, and that you are a first offender. Those factors favour suspension of the sentence. Should the Court step back entirely from suspension and sentence you to community work? A sentence must meet all the sentencing needs, including accountability, deterrence and consistency. Given the quantity of cannabis, I do not think a standalone sentence of community work meets the sentencing needs I have identified. As such, the sentence is to be suspended for a period of 12 months. You are warned that if you are convicted of any offence in the next 12 months, that you will be



taken into custody and serve your sentence of imprisonment as well as the penalty for the further offending.

17. I do not consider that any additional sentence needs to be imposed to meet the sentencing needs. Suspension of the sentence meets all the relevant sentencing needs, and in particular the need for accountability. It is a proportionate punishment.
18. The cannabis material is to be destroyed.
19. You have 14 days to appeal.

**DATED at Port Vila this 5th day of December 2025  
BY THE COURT**

*Mackenzie*  
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Justice M A Mackenzie

