

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

Criminal
Case No. 26/18 SC/CRML

PUBLIC PROSECUTOR

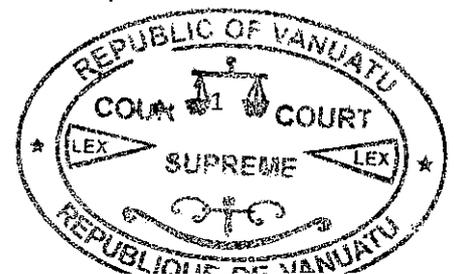
v

PASCAL HAM

Date: 27 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mrs M. Silememea
Defendant – Mrs K. Karu

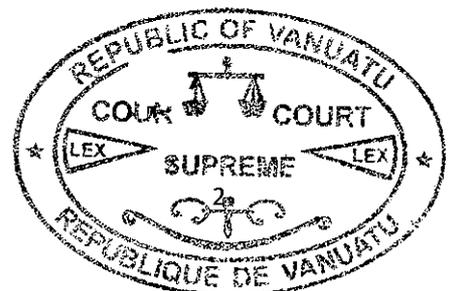
SENTENCE

1. Mr Pascal Ham, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to one charge of unlawful possession of cannabis contrary to subs. 2(62) and s. 17 of the *Dangerous Drugs Act* [CAP. 12] (Count 1) and one charge of escape from lawful custody contrary to s. 84 of the *Penal Code* [CAP. 135] (Count 2). You are convicted on your own pleas and the admitted facts.
2. On 28 October 2025, the Police Tactical Response Mobile Patrol team found you under the influence of alcohol at the Blacksands area on Efate island. They searched you and found you in possession of an aluminium foil package and around 30 small marble shaped foil packages inside a black bag which they suspected to be cannabis. They also found dry substances suspected to be cannabis inside your pockets. They confiscated the materials. Police Forensics Unit testing confirmed the materials to be cannabis, weighing 90.5 grams (Count 1).
3. The Police arrested you and kept you in Police cell 6. The next day, around 9.56am, you were interviewed under caution. You admitted the offending. The interview finished at 11.50am and you were kept in the Drugs Unit under Police supervision



while awaiting your remand hearing in the Magistrates' Court. Around 3.30pm, you asked a Police officer if you could use the toilet. After you used the toilet, you left the Police station, walked across the road to the VNPF building, stopped a bus and went home to the Blacksands area. You spoke to your family there and also to a Police officer there that you have run away from the Police to come see your family. In the meantime, the Police at the Station discovered that you were missing and searched for you around the Station and town but could not find you. They were later informed that you were with your family at Blacksands (Count 2).

4. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
5. The maximum sentences provided are:
 - a) Unlawful possession of cannabis – 20 years imprisonment, a fine of up to VT100 million or both; and
 - b) Escape from lawful custody – 5 years imprisonment.
6. There are no mitigating factors to this offending. The offending is aggravated by your being in possession of cannabis packaged ready for sale to others.
7. Taking the foregoing matters into account, the global sentence start point I adopt is 18 months imprisonment.
8. One third (6 months) is deducted from the sentence start point for your early guilty pleas.
9. You are 29 years old. You are in a *de facto* relationship and have a son and a daughter. You also pay school fees for your younger sister who is in Year 9 and support your widowed mother. You are a Year 6 leaver. You previously worked for 4 years in the regional seasonal employment ("RSE") scheme. You have good family and community support. You have no prior convictions. You cooperated with the Police. Accordingly, a further 2 months is deducted from the sentence start point for your personal factors.
10. You served time in custody from 30 October 2025 to 17 December 2025, an effective term of imprisonment of just over 3 months. Accordingly, another 3 months is deducted from the sentence start point.
11. Taking all of those matters into account, the end sentences imposed concurrently are:



- a) Unlawful possession of cannabis (Count 1) – 7 months imprisonment;
and
 - b) Escape from lawful custody (Count 2) – 2 months imprisonment.
12. The sentences are imposed to denounce the offending, to protect the community, to deter you and others, and to hold you accountable for your criminal conduct.
 13. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
 14. This was serious offending. There is a need for general and specific deterrence, given the prevalence of this crime in the country. I also take into account your prior clean record, your cooperation with the Police, strong community and family support, and your prospects of rehabilitation, which favour suspension of the sentence. In view of the circumstances, the Court is exercising its discretion to suspend your sentences for 12 months on the condition that you commit no further offence within that period. 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 imposed today as well as the penalty imposed for the further offending.
 15. In addition, you are to complete 100 hours of community work within the next 12 months, and supervision for 6 months. You are to attend the "Niu Rod Program" and Alcohol and Drugs program facilitated by the Probation Services of the Department of Correctional Services as well as any other rehabilitation program that may be offered to you.
 16. You have 14 days to appeal the sentence.
 17. The drugs are to be destroyed.

**DATED at Port Vila this 27th day of March, 2026
BY THE COURT**


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Justice Viran Molisa Trief

