

PUBLIC PROSECUTOR

V

TAIN KATSI

SAMSON KATSI

JACK NAMAPUN

Date of Sentence: 11th day of April, 2018 at 9:00 AM

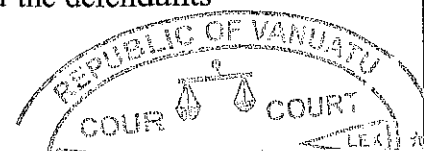
Before: Justice David Chetwynd

*Counsel: Marie Taiki for Public Prosecutor
Harrison Rantes for Defendants*

SENTENCE

1. The three defendants, Tain Katsi, Samson Katsi and Jack Namapun have entered pleas of guilty to a charge alleging possession of cannabis. The facts are simple enough. All three defendants went to board a flight from White Grass field to Bauerfield. Someone at White Grass reported them to the Police in Port Vila. When they arrived at Bauerfield airport they were apprehended. They were interviewed and admitted they had brought cannabis with them from Tanna to sell in Port Vila.
2. They had a considerable amount of cannabis with them, a total of 5 kilograms. I will treat them equally even though each had differing amounts of cannabis on them.
3. Possession of a dangerous drug, and in Vanuatu cannabis is deemed to be dangerous, in a very serious offence. The maximum penalty is 20 years.
4. Guidance has been given by the Court of Appeal in the *Wetul* Case.¹ The start sentence will be 18 months imprisonment. There is nothing particularly aggravating about the offending. The amounts involved were not small but I also bear in mind the lack of real evidence that what was tested (some 15 months after the defendants were detained) was what the defendants had on them. The chain of evidence is crucial in such cases and had the defendants

¹ *Wetul v. Public Prosecutor* [2013] VUCA 26 Criminal Appeal Case No. 04 of 2013



decided to plead not guilty today the prosecution would have been in some difficulty. As it is the defendants readily accepted that what they had on them was cannabis.

5. None of defendants have any previous conviction and all must be considered of good character. They are entitled to a reduction in their sentences accordingly. I will reduce the sentences by 3 months.
6. There has been no explanation why, despite the defendants' co-operation, it has taken an inordinately long time to bring this matter to Court. Their sentences will be reduced by a further 6 months leaving a balance of 9 months.
7. The defendants entered pleas of guilty at the first opportunity and I have already noted their co-operation. They are entitled to a full 1/3rd reduction. That leaves a balance to serve of 6 months imprisonment.
8. Looking at the nature of the crime, a rather inept attempt at selling drugs, and the character of the offenders this is a case where sentences can be suspended. I bear in mind that in the 18 months since arrest there has been no repetition and the defendants have not committed any other offences. The sentences of 6 months imprisonment will be suspended for 2 years.
9. I explained to the defendants that if they committed any offence in the next 2 years they would be liable to serve all or part of the 6 months imposed today. I also told the defendants that if they were unhappy with their sentences they could appeal. The time to do so, 14 days, would not that to see until their counsel was given a copy of these written reasons.

DATED at Isangel, Tanna this 11th day of April, 2018.

BY THE COURT


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DAVID CHETWYND

Judge

