

BETWEEN: Public Prosecutor

AND: Willie Kalo Pakoa
Defendant

Date of Hearing : 1 July 2020
By: Justice G.A. Andrée Wiltens
Counsel: Mr T. Karae for the Public Prosecutor
Ms L. Bakokoto for the Defendants

SENTENCE

A. Introduction

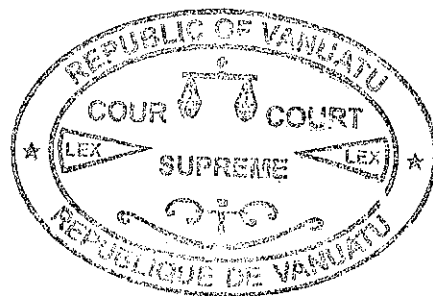
1. Mr Pakoa pleaded guilty to possession of 78 grams of cannabis. The maximum penalty for such offending is 20 years imprisonment, and/or a fine of up to VT 100 million.

B. Facts

2. On 14 February 2020, Mr Pakoa was seen at the MV Urata Office at Stade area, Port Vila. He was stopped carrying a 25kg bag of flour and searched.
3. Inside the bag of flour he was carrying the police located 4 packages containing suspected cannabis. The contents were weighed and found to weigh 78 grams. The contents were also tested and confirmed to be cannabis.
4. Mr Pakoa admitted the packages contained cannabis. He explained that the cannabis belonged to him and that it was for self-consumption.

C. Sentence Start Point

5. There are no aggravating or mitigating factors to this offending.
6. The appropriate sentence start point is 10 months imprisonment.



D. Mitigation

7. Mr Pakoa is 28 years old, with no previous convictions. He resides with his mother and his de facto, with their 3 young children aged between 18 months and 6 years old – he is their sole provider. He runs a small kava bar and also earns an income from fire dancing.
8. Mr Pakoa co-operated with the police. He is said to be remorseful.
9. He has spent 24 hours in custody prior to being sentenced.
10. For his personal factors, I reduce the sentence start point by 4 months.

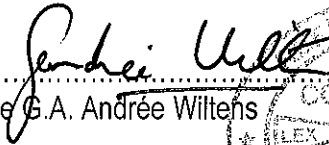
E. Plea

11. Mr Pakoa pleaded guilty at the first available opportunity. However the prosecution case against him is that he was caught red-handed, and really had no option but to plead. Accordingly, I am prepared to reduce the sentence start point by 25% for his prompt guilty plea – by a further 1.5 months.

F. End Sentence

12. The end sentence that I impose is one of 4.5 months imprisonment, back-dated to 30 June 2020. The sentence is wholly suspended as his rehabilitation prospects are very good. There is little prospect of his re-offending. Mr Pakoa has the support of his chief and the community. He is willing to take part in a custom reconciliation ceremony, and he pleaded guilty immediately.
13. The suspension is to run for 18 months. Mr. Pakoa therefore needs to remain offence-free for 18 months in order to be able to remain in the community.
14. Mr. Pakoa is also to serve 60 hours of community service.
15. Mr Pakoa has 14 days to appeal this sentence if he disagrees with it.
16. The drugs are to be destroyed.

Dated at Port Vila this 1st day of July 2020
BY THE COURT


Justice G.A. Andrée Wiltens

