

PUBLIC PROSECUTOR
V
JIMMY IAMALU

Coram: *Hon. Chief Justice V. Lunabek*

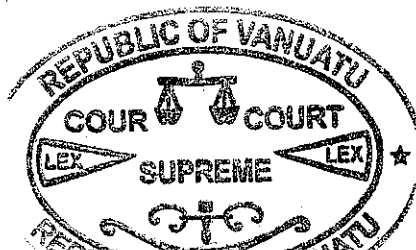
Counsel: *G Kanegai for Public Prosecutor*
B Taleo for the Defendant

Date of Plea: *22 August 2022*

Date of Sentence: *18 September 2023*

SENTENCE

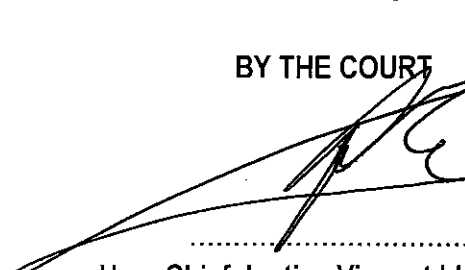
1. Mr. Jimmy Iamalu (Mr. Iamalu), you appear today for sentence having entered guilty pleas on one count of possession of cannabis and one count of cultivation of cannabis, contrary to section 4 and Section 2 and (62) of Dangerous Drugs Act [Cap 12], respectively.
2. The maximum penalty for each of the above offences is payment of a fine not exceeding VT 100 million or a term of imprisonment not exceeding 20 years or both such fine and imprisonment.
3. You are from Tanna Island, Tafea Province. You were 28 years old during the time of the offending. You are the son of Iamalu Iampe and Towou Iampe both from Tanna Island. You all reside at Teouma Red Ground area on Efate Island.
4. The police received a complaint from Steven Iaput on 5 April 2023. He is you in-law. The complaint is in regards to cultivation of cannabis by you, Mr. Iamalu. Upon that complaint the police applied and executed a search warrant at your residence. During the search the police located 7 dried cannabis hanging in a cloth line in your room and 107 cannabis plants in your garden.
5. The substance was confiscated and submitted to the Office Winshual Garae to examine the substance, which after the test confirmed to be cannabis species. The police as part of their investigation and in ensuring that the substance is that of the cannabis species presented the sampled to a scientist by the name Vincent Lebot who works at the Department of Agriculture and Rural Development (DARD) who also confirmed that the samples belong to the plant species cannabis sativa.



6. According the complainant, you came to live with your parents after the caretaker of the land Chief Peter Nauka had invited them to come live at Teouma Red Ground. The Eratap Chief authorized Chief Nauka to be the caretaker of the Teouma Red ground area where the Tanna community resides.
7. The seriousness of this offending is aggravated by the fact that there were 7 dried cannabis in your possession hanging in a cloth line inside your room at Teouma and 107 cannabis taken in your garden weighing 1.20 kg (green plants) and 0.26 kg (small green and dried plants). The guideline Judgment is Columbus Weful v Public Prosecutor [2013] VUCA 26.
8. I sentence you to 9 months imprisonment for possession of 7 dried cannabis (count 1) and 14 months imprisonment for planting 107 cannabis plants with the desire to sale them for gain (count 2), although not one cannabis was yet sold. The sentences are to be served concurrently. Your sentence start point is 14 months imprisonment.
9. You are 28 years old. You are brought up in a custom village in Tanna. You arrived in Port Vila in 2021. You now know that cultivating cannabis and possession of cannabis are offences against the law. You say sorry for your wrongdoing. You also say that you will not commit the same offences again in the future.
10. I reduce your sentence by 5 months to reflect your mitigating factors.
11. I reduce your sentence further by 33% for your guilty pleas at the first opportunity.
12. Your sentence is reduced to 6 months imprisonment. I suspend it for a period of 2 years. The meaning of the suspension of your sentence for a period of 2 years and its effect are explained to you during your sentence in accordance with Section 57 of Penal Code. You understand them.
13. In addition, I order that you perform 80 hours of community work to give back to the community and to rehabilitate yourself.
14. You have 14 days to appeal against this sentence if you are unsatisfied with it. The 14 days starts at the date of this sentence.

Dated at Port Vila, this 18th day of September 2023

BY THE COURT



Hon. Chief Justice Vincent LUNABEK

