

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

**Criminal
Case No. 23/3415 SC/CRML**

BETWEEN: Public Prosecutor

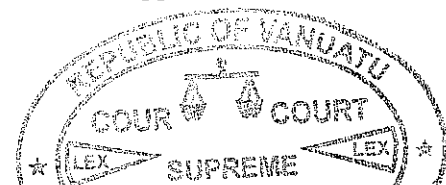
AND: Benjamin Bulesap Bokoto
Accused

Date of Sentence: *4th day of March, 2024*
Before: *Justice E.P. Goldsbrough*

In Attendance: *Tete, J for Public Prosecutor*
Molbaleh, E for Defendant

SENTENCE

1. Benjamin Bulesap Bokoto has pleaded guilty to the unlawful possession of cannabis. He was arrested after he had been found in the Anamburu area of Port Vila. He was found with 18.68 grams of dried cannabis wrapped in small aluminum foil packages. There is no suggestion that he intended to do anything but consume the illegal drugs himself. This took place in October 2023.
2. The penalty for unlawful possession of drugs is twenty years imprisonment. The offence does not differentiate between different categories or classes of drugs. Cannabis does not represent the most serious drug that falls within the same offence.
3. That maximum penalty assists the court to determine a starting point for the appropriate sentence, when it is considered together with the facts relating to the offence. The only factors which needs to be taken into account here is the weight, 18.68 grams. That is a relatively small amount, as the prosecution sentence submission notes. There is no further aggravation of this offence.
4. The offender is a 27 year old man living at Club Hippique. He has no previous convictions. He admitted his offence and pleaded guilty at the first available opportunity. According to previous cases in the Court of Appeal,

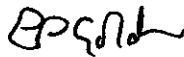


this offence falls in the lowest category, a small amount for personal use. It does not warrant a sentence of imprisonment.

5. Such a decision not to impose a sentence of imprisonment appears to be consistent with other reported cases, in particular PP v Nambong CC 187 of 2014. It also accords with the recommendation of the pre-sentence report which discloses that, since the death of his father, Benjamin has undertaken the work that his father would have done. Reports from his chief are that he appears to have learnt from his offending and is making attempts to better assist his community. Whilst he lost his job following his arrest, he has made attempts to maintain an income from business.
6. All of the above indicates that a sentence of imprisonment is not warranted. As an alternative, an order is made that he perform unpaid community work for 100 hours. That work must be completed satisfactorily under the supervision of the Probation Service and within the next twelve months. If it is not , Benjamin can be brought back to court and dealt with in a different way.
7. That is the sentence of this Court. There is a right of appeal against the sentence and if Benjamin Bulesap Bakoto wishes to exercise that right he must do so within 14 days from today.

DATED at Port Vila this 4th day of March, 2024.

BY THE COURT



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E.P. Goldsbrough

Judge of the Supreme Court

