

PUBLIC PROSECUTOR

v

SAM SIXTY TOM

Date: 26 July 2024  
Before: Justice V.M. Trief  
Counsel: Public Prosecutor – Ms S. Langon  
Defendant – Mr H. Vira

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**SENTENCE**

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A. Introduction

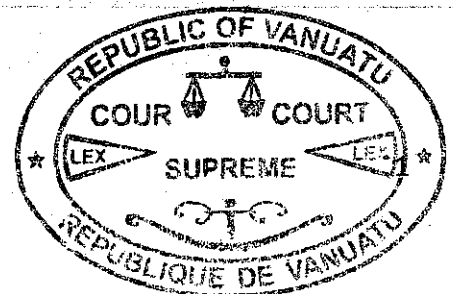
1. Mr Tom pleaded guilty to unlawful possession of 9.30 grams of cannabis (Charges 1 and 2) and to unlawful cultivation of cannabis totalling 17.26 grams (Charge 3). He is convicted on his own pleas and the admitted facts.

B. Facts

2. Mr Tom committed the offending on 21 May 2016 when he was 20 years old. He was found in possession of 882 cannabis seeds in a plastic bag under his bed at his house at Lumbukuti village on Tongoa island. The total weight of the seeds was 8.96 grams (Charge 1). Mr Tom also had dried cannabis leaves under his bed, which weighed 0.34 grams (Charge 2). He had cultivated 50 cannabis plants in a drum outside his house, which weighed 17.26 grams (Charge 3). The total weight of the cannabis covered by the 3 charges is 26.56 grams.

C. Sentence Start Point

3. The maximum penalty for this offence is 20 years imprisonment and/or a fine of up to VT 100 million.



4. The cannabis was for personal use only without any sale involved, and the quantity is relatively small, therefore the offending is within the lower end of the scale of the first category in *Wetul v Public Prosecutor* [2013] VUCA 26.

5. I set the sentence start point at 10 months imprisonment.

D. Personal Factors

6. Mr Tom pleaded guilty at the first opportunity. He cooperated with the police. I accept that he is remorseful. I deduct 30% from the sentence start point for the early guilty plea.

7. Mr Tom is 28 years old, with no previous convictions. He is single and lives with his mother. He has a good relationship with his family and community. There is no explanation as to the delay in prosecuting this matter. A further 36% is deducted for Mr Tom's personal factors including the significant delay in bringing this matter to Court.

E. End Sentence

8. Taking all of those matters into account, the end sentence imposed concurrently is 2 months 42 days (Charges 1-3). Given that Mr Tom has been in custody since 5 June 2024, he has served the time required and therefore is to be immediately released from custody.

9. In addition, Mr Tom is to complete 40 hours of community work within the next 12 months.

10. The drugs are to be destroyed.

11. Mr Tom has 14 days to appeal this sentence.

**DATED at Port Vila this 26<sup>th</sup> day of July 2024  
BY THE COURT**

*VM Tria*  
Justice Viran Molisa Tria

