

PUBLIC PROSECUTOR
V
OWEN IBEL

Coram: *Hon. Chief Justice V. Lunabek*

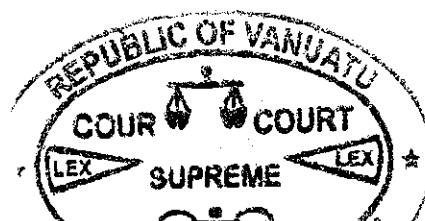
Counsel: *Mr J Aru for the State
Ms B Taleo for the Defendant*

Date of Pleas: *22 April 2024*

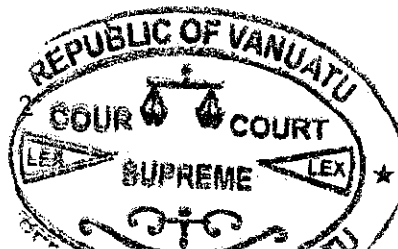
Date of Sentence: *23 May 2024*

SENTENCE

1. Mr Owen Ibel ("*Mr Owen*"), you appear today for sentence having being pleaded guilty to one charge of cultivation of cannabis plants, contrary to Section 4(1) of the Dangerous Drugs Act [CAP. 12].
2. A formal complaint was made against you, Mr Owen, for the offence of cultivation of cannabis plants which is prohibited by the laws of the Republic of Vanuatu.
3. The offending took place sometimes in November 2023, at Whitesands area on the South West part of the island of Malekula. The police received information that you were involved in cultivating cannabis plants. Upon that information, the police did an investigation. During investigation it was revealed that you cultivated 76 cannabis plants.
4. The cannabis plants seized by the police were then sealed and kept in their custody for presumptive test. The weight was 0.75 kilograms. The presumptive test result shows that the cannabis plants seized by the police were turned to positive of cannabis.
5. You were arrested, cautioned and interviewed by the police where you admitted the allegations made against you.
6. The offence of cultivation of cannabis plants carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.



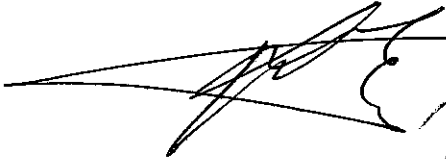
7. There is no mitigating factor to the offending, but the following aggravating factors exist:
 - (a) Mr Owen, you had a knowledge of the nature of the plant in your possession as opposed to being reckless in possessing and cultivating it;
 - (b) Here, you cultivate a total of 76 cannabis plants weighing a net weight of 0.75 kilograms.
8. This case lies under category 2 of Wetul guidelines in *Wetul v Public Prosecutor* [2013] VUCA 26.
9. The sentence start point is 3 years imprisonment.
10. In mitigation, you are 29 years old. You are single and attend Presbyterian Church. You are a gardener, you plant and sell root crops to sustain your family living. You are a first-time offender. You cooperated with the police and made admissions to the allegations in your cautioned interview. You promised the police in 2023 not to touch cannabis substances anymore and which you did since then. You are remorseful of the offence you committed. You have a good relationship with your family and community. You apologize for the crime you have committed and regret your actions. You realize after your arrest and remand in custody that you have committed a serious crime and say that the time spent in custody gave you a better insight of the consequences of breaching a criminal law and you are ceasing the planting of cannabis plants.
11. I give you a reduction of 4 months for your mitigating factors.
12. I give you a further reduction of 33% for your early guilty plea.
13. The balance of your remaining sentence is 22 months i.e., 1 year and 10 months imprisonment.
14. You were remanded in custody on 18 November 2023 and released on bail on 17 January 2024. You have already spent a period of 6 weeks and 3 days in custody for this offence. It is a total of 1 month and 15 days in pre-custodial period. This time already spent shall be deducted from your sentence.
15. The new remaining balance of your sentence is now 1 year and 8 months and 15 days. Your end sentence is 1 year 8 months and 15 days imprisonment.
16. I consider the nature and circumstances of your offending, your character as an offender, I decide to suspend your term of 1 year 8 months and 15 days imprisonment suspended for a period of 2 years. In addition, I order you to perform 80 hours of community work and 6 months supervision on the standard conditions.



17. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.

DATED at Luganville, Santo, this 23rd day of May, 2024.

BY THE COURT


Hon. Chief Justice Vincent LUNABE

