

PUBLIC PROSECUTOR

V

RIXIE KAMAN

Coram: *Hon. Chief Justice V. Lunabek*

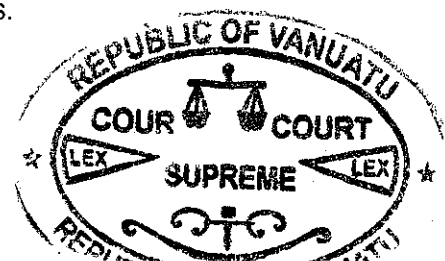
Counsel: *Mr J Aru for the State
Ms B Taleo for the Defendant*

Date of Pleas: *22 April 2024*

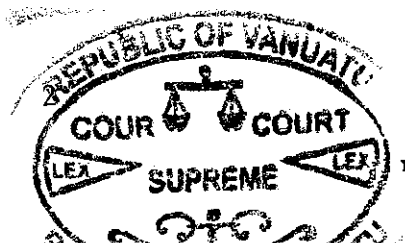
Date of Sentence: *23 May 2024*

SENTENCE

1. Mr Rixie Kaman ("*Mr Rixie*"), 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 Rixie, for the offence of cultivation of cannabis plants which are prohibited by the laws of the Republic of Vanuatu.
3. The offending took place sometimes on the month of October 2023, on Lapo Village, South West part of the island of Malekula. There were witnesses who saw you cultivating cannabis plants where they went and reported the matter to the police. When the police did an investigation, they found out that you cultivated 72 cannabis plants. The plants were then confiscated by the police officers. They were taken and kept for presumptive test report. The plants were tested and turned to be positive of cannabis. It was weighed and the net weight was 3.30 kilograms.



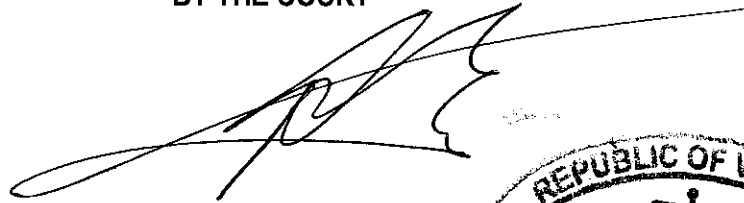
4. You were arrested, cautioned and interviewed by the police where you admitted the allegations made against you.
5. The offence of cultivation of cannabis plants carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.
6. This case lies under category 2 of the Wetul guidelines in *Wetul v Public Prosecutor* [2013] VUCA 26.
7. There is no mitigating factor to the offending, but the following aggravating factors exist:
 - (a) Mr Rixie, you have a knowledge intention of the nature of the plant in your possession as opposed to being reckless in possessing and cultivating it;
 - (b) You cultivated 72 cannabis plants with a net weight of 3.30 kilograms.
8. Your sentence start point is 3 years imprisonment.
9. In mitigation, you are 23 years old. You are a first-time offender with no criminal history. You are a single man with no children. You are unemployed. You make a living to help support your parents through farming, planting and selling food crops and kava. You cooperated well with the police and made admissions in your cautioned interview. Your cooperation and early admissions save the people's time and resources in bringing this matter to a finality. You have a good relationship with your community and family.
10. I give you a credit reduction allowance of 4 months for your mitigating factors.
11. I give you a further reduction allowance of 33% for your early guilty plea.
12. The remaining balance of your sentence is 22 months i.e., 1 year and 10 months imprisonment. This is your end sentence.



13. You were remanded at the Luganville Correctional Centre on 22 November 2023 and released on bail on 30th January 2024. You have already spent a total of 2 months and 9 days in pre-custodial period. This time spent shall be deducted from your sentence.
14. Your end sentence is finally reduced to 1 year and 7 months and 21 days imprisonment. This sentence is not going to be suspended. Imprisonment is necessary for the offence of cultivation of cannabis plants as a very serious offence.
15. 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 LUNABEKI

