

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

**Criminal**  
**Case No. 17/2273 SC/CRML**

**PUBLIC PROSECUTOR**

**V**

**ALLANSON TARI**

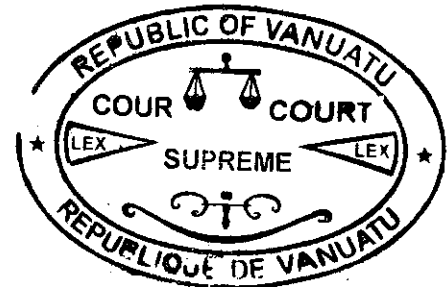
**Date of Sentence:** *31<sup>st</sup> day of October, 2017 at 9:00 AM*  
**Before:** *David Chetwynd*  
**Counsel:** *Philip Toaliu for Public Prosecutor*  
*Pauline Kalwatman for Defendant*

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## **SENTENCE**

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1. The defendant has plead guilty to one count of possession of a dangerous drug, cannabis. This is contrary to section 2(62) of the Dangerous Drugs Act [Cap 12]. The maximum sentence is 20 year so this is regarded as a serious offence.
2. The defendant agreed that he was in possession of 2 cannabis joints. This was on 17<sup>th</sup> November 2013.
3. The defendant admitted he was in possession of cannabis joints when interviewed and entered his plea of guilty at the earliest opportunity. He was 18 years old at the time of the offence. He is not known to have any criminal record.
4. The leading case on sentencing in cases involving possession of cannabis is *Wetul v Public Prosecutor* [2013] VUCA 26; Criminal Appeal Case 04 of 2013 (26 July 2013). This present case fits squarely into the category 1 scenario. Offences such as this are dealt with by way of a fine or other non-custodial measure.



5. There is no explanation available as to why there was a 4 year delay in getting this case to Court. There is no suggestion the defendant has caused the delay. It is to be noted that the defendant has not committed any offences during the 4 years since arrest.
6. The defendant is entitled to a substantial deduction in any sentence due to the delay. He would be entitled to a reduction in respect of his plea of guilty. He would be entitled to have the Court take into account his previous good character.
7. In all the circumstances and to show the communities concern at offences involving drugs but to also take into account all the mitigation available to the defendant, I will sentence him to 1 day's imprisonment. He will be entitled to his freedom on the rising the Court.

**DATED at Port Vila this 2<sup>nd</sup> day of November, 2017.**

**BY THE COURT**

  
.....  
David Chetwynd  
Judge

