

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

**Criminal
Case No. 17/786 SC/CRML**

PUBLIC PROSECUTOR VS. SUSAN ISHMAEL

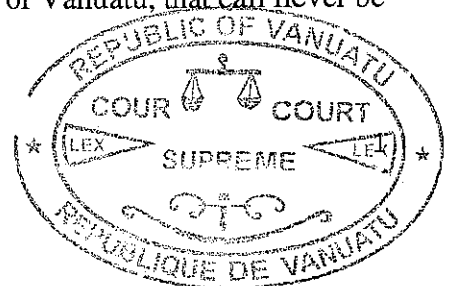
Before: *Justice Oliver A. Saksak*

Counsel: *Betina Ngwele for the Public Prosecutor
Linda Bakokoto for the Defendant*

Date of Plea: *6th April 2017*
Date of Sentence: *15th May 2017*

SENTENCE

1. Susan Ismael, you are for Sentence today for having pleaded guilty to 2 counts of possession and sale of cannabis drugs contrary to section 2(62) of the Dangerous Drugs Act [CAP 12] (the Act).
2. The maximum penalty for this offence is 20 years imprisonment or a fine not exceeding VT100 million.
3. You were arrested in the afternoon of 20th January 2017 at Tagabe Bridge. A search was subsequently made at your house by the Police where wrappings were found and confiscated. These were prepared for sale and supply for the prices of VT100, VT500, VT1,000 and VT10,000. An amount of VT12,380 in cash money was found on you as proceeds of sale of the wrapped drugs. The total value confiscated from you was VT172,500. The total weight of the substance was 1962.83 grams.
On 21st January 2017 you admitted to the Police you had possession of cannabis and that you had sold them to other people.
4. Your actions were deliberate. Although you told the Police on 21st January 2017 that you did not know selling cannabis to people was against the law of Vanuatu, that can never be a defence to conceal your culpability.



5. The Court of Appeal Case of Naoia v. PP [1998] VUCA 1 sets out the principles of sentencing in drugs cases. And I will adopt those principles in sentencing you today in order to achieve a deterrence effect on you and other likeminded people.
6. The facts of your offending warrant a starting point of 18 months imprisonment on each count as a concurrent Sentence.
7. However, this is to be reduced by 1/3 for your guilty plea bringing it down to 12 months imprisonment. There will be no further deductions. But I agree with the prosecution and defence submissions that your end Sentence should be suspended for a period of 2 years on good behaviour.
8. But I will order in addition that you perform community service for 50 hours.
9. Finally the Court condemns the substance held by the Police to destruction in accordance with section 18(1) of the Act.
10. That is the Sentence of the Court. You may wish to appeal against this Sentence and if so, you should do so within 14 days from the date of this Sentence.

DATED at Port Vila this 15th day of May, 2017.

BY THE COURT

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OLIVER A. SAKSAK

Judge

