

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

Criminal  
Case No. 20/2039 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** August Denny

*Date:* 10 August 2020  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr P. Toaliu for Public Prosecutor  
Mr H. Rantes for Mr Kalo

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**SENTENCE**

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A. Introduction

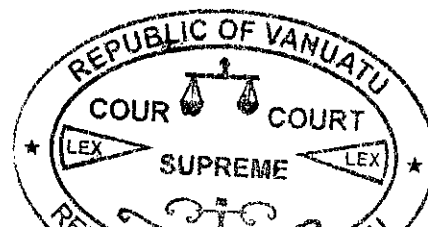
1. Mr Denny pleaded guilty to possession of dangerous drugs.

B. Facts

2. On 4 May 2018, Mr Denny was smoking cannabis when seen by a Security officer. When Mr Denny realised he had been seen, he reached into his pocket, withdrew a small parcel and discarded it. The security officer retrieved the discarded parcel and advised the police, who then arrested Mr Denny. The parcel contained some dried cannabis leaves, which Mr Denny subsequently admitted was his. The cannabis weighed 12.04 grams.

C. Sentence

3. The sentence start point is arrived at by looking at (i) the maximum sentence prescribed by law and (ii) then considering the aggravating and mitigating features of the offending. That is step one.
4. Once the start point has been determined, then step two requires the factors personal to Mr Denny be taken into account in arriving at the end sentence.



D. Maximum Sentence

5. The maximum sentence for the possession of cannabis is 20 years imprisonment and/or a fine of up to VT 100 million.

E. Aggravating and Mitigating Factors of the Offending

6. There are no aggravating factors that need to be taken into account in setting the sentence start point. The mitigating aspects of the offending are that the charge relates to simple possession, and the quantity is small.

F. Sentence Start Point

7. I set the appropriate sentence start point at 6 months imprisonment. That said, there is no requirement or intention to incarcerate Mr Denny.

G. Personal Factors

8. Mr Denny pleaded guilty at the first available opportunity. His sentence is accordingly reduced by 25% for this factor.
9. Mr Denny is 32 years of age, married with 3 dependent children. He is a contributing member of the community and a member of the Latter Day Saints Church. He co-operated with the police when first contacted in relation to this matter.
10. He has no previous convictions, and explained that the cannabis was for his personal consumption.
11. For his personal factors I reduce the sentence start point by a further 3 months.

H. End Sentence

12. Mr Denny is convicted and sentenced to 50 hours of Community Service.

I. Other

13. Mr Denny has 14 days to appeal this sentence if he disagrees with it.
14. The drugs are to be destroyed.

Dated at Aneityum this 10th day of August 2020

BY THE COURT

  
Justice G.A. Andrée Wiltens

