

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

**Criminal  
Case No. 20/2630 SC/CRML**

**BETWEEN: The Public Prosecutor**  
*Prosecutor*

**AND: Samuel Kalwas**  
*Defendant*

**Coram: Justice Aru**  
**Counsel Mr. T. Karae the Public Prosecution**  
**Mr. L. Moli for the Defendant**

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**SENTENCE**

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**Introduction**

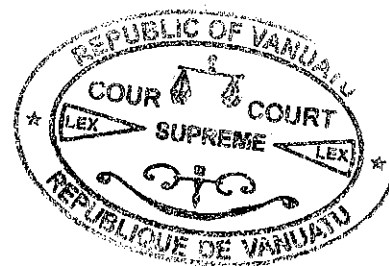
1. Mr Samuel Kalwas pleaded guilty to a single charge of possession of cannabis and is convicted accordingly.

**The facts**

2. Following a complainant by the complainant to the Police on 13 October 2017 that the defendant had cannabis in his possession a body search of the complainant was undertaken by the Police at the Police Headquarters which revealed a wrapped substance suspected to be cannabis.
3. Tests on the substance came back positive that it was cannabis and weighed a total of 0.5 grams.
4. The defendant was cautioned and admitted the offending.

**Starting point**

5. The maximum penalty for possession of cannabis is a fine not exceeding VT 100 million or a term of imprisonment not exceeding 20 years imprisonment. A number aggravating factors stand out:-
  - The cannabis weighed 0.5grams
  - The defendant is a recidivist
6. There are no mitigating factors.



7. The starting point of sentence is therefore 10 months imprisonment.

**Personal factors**

8. The defendant entered a guilty at the first available opportunity .The sentence will be reduced by 25 percent.
9. The defendant's Pre-Sentence Report states that the defendant is 31 years old from Pele Island and is a third time offender. He is the eldest in a family of six children and lives in a de facto relationship with three children of his own. The youngest being 9 months old and the oldest is seven years old. He completed his education up to year 10 at Onesua High School and could not continue due to financial difficulties. He is the breadwinner in his family and has worked in different places including a hardware store, a restaurant then as a bus driver. He is no longer employed
10. His other skills are in fishing and being a mechanic. He is a member of the Presbyterian Church. He blames alcohol for his offending that he was driving when he was stopped by the Police and searched and was not aware he had the cannabis in his pocket.
11. The sentence is further reduced by 4 months.

**End sentence**

12. The send sentence is 4 months imprisonment to be served consecutively with his current sentence. There will be no suspension.
13. The defendant has 14 days to appeal if he disagrees with the decision.

DATED at Port Vila this 24<sup>th</sup> day of June, 2021

BY THE COURT

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D. Aru  
Judge

