

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

**Criminal**  
**Case No. 24/1662 SC/CRML**

**PUBLIC PROSECUTOR**

**V**

**JOHN RAPUEL**

*Date of Plea:* 17 June 2024  
*Date of Sentence:* 12 September 2024  
*Before:* Justice M A MacKenzie  
*Counsel:* Public Prosecutor – Mr L Young  
Defendant – Ms A Yeeon (holding papers for Ms B Taleo)

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## **SENTENCE**

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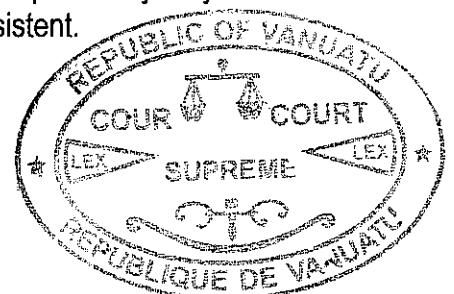
1. Mr John Rapeul, you appear for sentence having pleaded guilty to one charge of possession of cannabis. The maximum penalty is 20 years imprisonment, or a fine not exceeding VT 100 million or both.

### **The Facts**

2. On 18 January 2024, cannabis was found in your room, hidden and covered with a blanket. Testing confirmed it was cannabis, with a net weight of 48 g.
3. You admitted the cannabis was yours. You apologised for your actions.

### **Sentencing purposes/principles**

4. The sentence I impose must hold you accountable and must denounce and deter your conduct given that you were in possession of cannabis. Cannabis is an illegal drug which causes social harm. The sentence should ensure you take responsibility for your actions and help you to rehabilitate. It must also be generally consistent.



### Approach to sentence

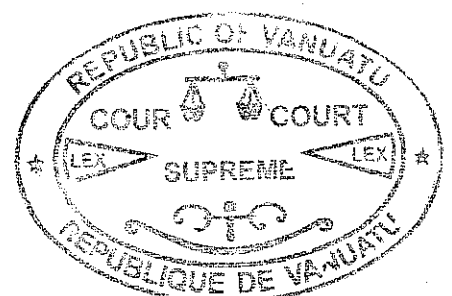
5. Sentencing involves 2 separate steps; *Jimmy Philip v Public Prosecutor* [2020] VUCA 40, which applied *Moses v R* [2020] NZCA 296.

### Starting point

6. The first step is to set a starting point, with reference to the maximum penalty and factors relating to the offending.
7. The one aggravating factor is the quantity of cannabis, being 48 g.
8. There are no mitigating features of the offending itself.
9. There is a guideline case for cannabis cultivation, *Wetul v Public Prosecutor* [2013] VUCA 26. It also applies to possession of cannabis. Here, the offending involves a moderately high amount of cannabis for personal use. There is no evidence of commerciality here though.
10. Therefore, it falls within Category 1 of *Wetul*. So, the usual sentencing outcome would be a fine or other community-based sentence, or a short custodial sentence.
11. I adopt a starting point of 12 months imprisonment, consistent with *Public Prosecutor v Norixon* [2024] VUSC 213. *Norixon* involved a charge of possession of cannabis. The amount of cannabis was 58.5 g, similar to the amount of cannabis in the present case.

### Guilty plea and personal factors

12. While you pleaded guilty at an early opportunity, I agree that the discount should be 25 percent. The case against you was overwhelming and there was no option but to plead guilty. That is 3 months.
13. You are aged 25 years. You have been before the court in 2021 for domestic violence. I put to one side the earlier sentence as you are deemed to have been rehabilitated for that offending under s58ZH of the Penal Code.
14. You were co-operative with police. You have family responsibilities. You have a partner, and you care for your sister while your mother works overseas. You are trying to change.
15. For these factors, I reduce the starting point by 1 month imprisonment, which equates to approximately 10 %.



16. You were remanded in custody between 2-21 May 2024, 19 days, an effective sentence of 6 weeks imprisonment. The sentence is to be further reduced by 6 weeks imprisonment.

**End Sentence**

17. The end sentence is 6.5 months imprisonment.

18. Taking into account the circumstances, the nature of the offending and your character, I have decided to suspend the sentence pursuant to s57 of the Penal Code for 18 months. First, this is because you were in possession of the cannabis for personal use. There is no suggestion of commercial use. Second, you have learnt your lesson, you have family responsibilities and there are prospects of rehabilitation. In those circumstances, suspending the sentence will meet the need for accountability, deterrence and denunciation and will promote in you a sense of responsibility.

19. If you offend again in the next 18 months, you will need to serve the sentence of imprisonment in addition to any other penalty that may be imposed for the further offending.

20. The cannabis material is to be destroyed.

21. You have 14 days to appeal.

**DATED at Port Vila this 12th day of September 2024  
BY THE COURT**

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Justice M A MacKenzie

