

**PUBLIC PROSECUTOR  
V  
MEKANA KALTAPANG**

**Date of Plea:** 20<sup>th</sup> August 2024  
**Coram:** Hon. Chief Justice V. Lunabek  
**Counsel:** S. Langon for the Public Prosecutor  
C. Dehinavanua for the Defendant  
**Date of Sentence:** 25 September 2024

---

**SENTENCE**

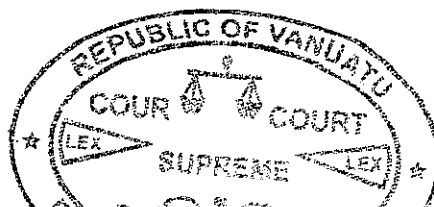
---

1. Mr Mekana Kaltapang ("*Mr Kaltapang*"), you appear today having being pleaded guilty to and convicted of the offences of:
  - a) Unlawful cultivation of cannabis, contrary to section 4(1) and section 17 of the Dangerous Drugs Act [CAP. 12]; and
  - b) Unlawful possession of cannabis substances, contrary to section 2(62) and section 17 of the Dangerous Drugs Act [CAP. 12].

2. There are two complainants (police officers) in this case involving two different cases happening in different years but involving the same defendant, Mr Kaltapang.
3. The first case occurred in July 2022 and the complainant is police officer Henry Kalsei.
4. The second case occurred in April 2024 and the complainant is police officer Ritchie Koda.

The first case of 2022

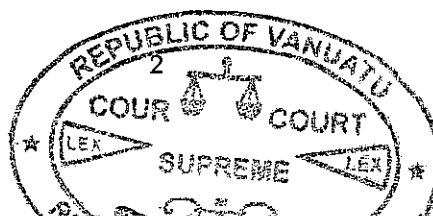
5. On the 5<sup>th</sup> of July 2022, the Port Vila Drugs Unit and Platoon 2 of the Vanuatu Mobile Force (VMF) carried out a search warrant during operation Swift at Pango Village, Efate Island.
6. On the same day around 03:00pm to 04:00pm, the officers arrived at Mr Kaltapang's house which was opposite the football field at Pango Village, the officers found a pot plant outside the house where Mr Kaltapang cultivated cannabis seedlings inside that pot. The cannabis seedlings have a net weight of 0.1grams.



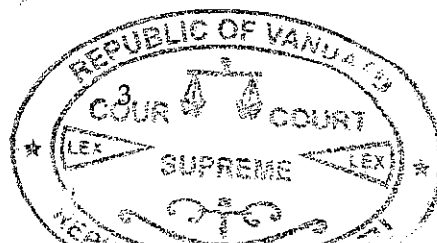
7. On the 6<sup>th</sup> August 2022, Officer Winshual Garae received the exhibit for forensic examination from Sergeant Orlando. The exhibit contains a white pot plant containing three (3) small green plant materials.
8. The forensic report concluded that the exhibit was tested positive to cannabis. These cannabis materials had a total net weight of 0.1 grams.
9. Mr Kaltapang, you were arrested and cautioned on the 5<sup>th</sup> of July 2022 around 04:50pm where you stated that you understood what the police read and explained to you regarding your rights and that you will only talk in court.

The second case of 2024

10. On the 9<sup>th</sup> of April 2024 around 10:15am, the complainant received a call from a staff from the Airport International Terminal by the name Sandy Ruben seeking for police assistance as they found out that Mr Kaltapang had sent a package to Tanna Island which contains suspected cannabis substance inside the carton.
11. The package was sent on the 31<sup>st</sup> of March 2024 and on the 9<sup>th</sup> April 2024, Mr Kaltapang came back to the Domestic Airport to check if the receiver had received the package or not at Tanna Island.
12. The complainant and another police officer went to the Domestic Terminal, arrested and took Mr Kaltapang to the Airport Police Post. The complainant, then, searched Mr Kaltapang's handbag and found half piece of cannabis substance inside his bag and VT50,275.
13. The cannabis package had a weight of 0.62kg.
14. On the 10<sup>th</sup> of April 2024, Officer Winshual Garae received the exhibit for forensic examination from Constable Pascaline from the Drugs Unit. The exhibit contains seven (7) packages of dried plant materials wrapped with white plastic.
15. The forensic report concluded that the exhibit was tested positive to cannabis. These cannabis materials had a total net weight of 0.62kg.
16. Mr Kaltapang, you were arrested and cautioned on the 10<sup>th</sup> day of April 2024 around 11:21am. You stated that police read out your rights regarding right to talk or not, whatever you say will be written down as evidence and can be used in court, right to have a lawyer to represent you in court.
17. Mr Kaltapang, you stated that on the 31<sup>st</sup> of March 2024 around 10am you went to the airport with a carton which contains seven (7) cannabis packages inside. You wanted to send the carton to your brother, Tatara on Tanna Island. Your brother from the island of Santo but resides in Tanna Island. Your brother told you that you will put the name John Billy Lui on the carton.
18. On the 3<sup>rd</sup> of April 2024 around lunch time, you brother Tatara called you and told you that he did not receive the carton yet ("... carton ino kam tru long hem yet, hemi no karem carton yet ...").




19. On the 9<sup>th</sup> of April 2024 around 10am, Mr Kaltapang, you went to the airport to check the carton. You stated that when you went and stood at the reception at the airport, the police came and arrested you because of the cannabis in the carton.
20. Mr Kaltapang, you were remanded in custody on 22 April 2024 until you are sentenced today.
21. Unlawful cultivation of cannabis plants and unlawful possession of cannabis carries the same maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years imprisonment or to both such fine or imprisonment.
22. The following aggravating factors exist in this case:
  - a) You had a knowledge intention of the nature of the plant in your possession as opposed to just being reckless in possessing and cultivating it;
  - b) You cultivate 3 cannabis plants weighing 0.1 grams;
  - c) You possessed cannabis substance weighing 0.62kg;
  - d) You attempted to supply cannabis to others.
23. This is the second time you committed the same offences. You were sentenced to 70 hours community work. You served that sentence. That sentence does not deter you. I treat it as a mitigating factor leading to the offending.
24. This case lies under category 2 of Wetul guideline.
25. The sentence start point is 2 years imprisonment.
26. In mitigation, Mr Kaltapang, you said you regretted your offending. I take it that you are not genuine. There is no remorse in your wrongdoing.
27. I give you 2 months to reflect any mitigating factors.
28. I give you a further 15% to reflect on your early guilty pleas.
29. The remaining balance of your sentence is 17 months imprisonment.
30. You were remanded in custody on 22 April 2024 to today 25 September 2024.
31. The time you have already spent will be deducted from your sentence in your favour.
32. You are ordered to serve 17 months imprisonment which is deemed to start from 22 April 2024 which is the time you were remanded in custody.



- 33. The cannabis plants and material seized and under the custody of the police in this case, shall be destroyed.
- 34. You have 14 days to appeal against this sentence if you are unsatisfied with it.

**DATED at Port Vila, this 25<sup>th</sup> day of September, 2024.**

**BY THE COURT**

  
**Hon. Chief Justice Vincent LUNABEK**

