

CF

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

Criminal
Case No. 24/782 SC/CRML

PUBLIC PROSECUTOR

v

GOLWIN MEDIAS

Coram: *Hon. Chief Justice V. Lunabek*

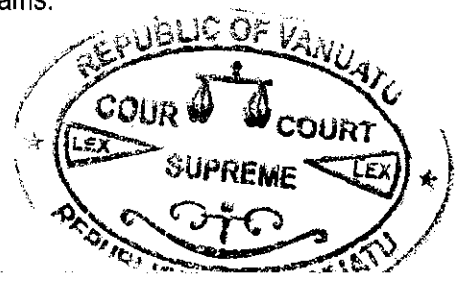
Counsel: *Mr J Aru for the State*
Ms B Taleo for the Defendant

Date of Pleas: *22 April 2024*

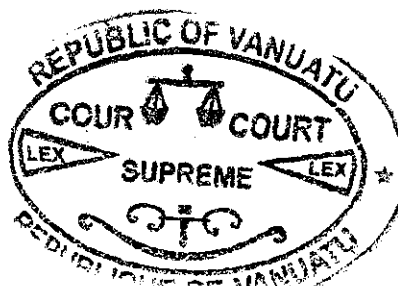
Date of Sentence: *23 May 2024*

SENTENCE

1. Mr Golwin Medias ("*Mr Medias*"), you appear for sentence today having being pleaded guilty to one charge of cultivation of cannabis plants and one charge of possession of cannabis substances, contrary to Sections 4(1) and 2(62) of the Dangerous Drugs Act [CAP. 12] respectively.
2. A formal complaint was made against you, Mr Medias, for the offences of cultivation of cannabis plants and possession of cannabis substances which are prohibited by the laws of the Republic of Vanuatu.
3. The offending took place sometimes in October 2023 in Lorlow Village on the South West part of the Island of Malekula.
4. The police received information that you were involved in cultivating cannabis plants and was in possession of cannabis substances. Upon that information, the police did an investigation. During investigation it was revealed that you cultivated 198 plants of cannabis plants. The police found in your possession dry cannabis substances weighing 175.3 grams.




5. The cannabis plants seized by the police were then sealed and kept in their custody for presumptive test. The net weight was 8.50 kilograms for the cultivated cannabis plants. In relation to the cannabis substances possessed by you, the net weight was 175.3 grams. The presumptive test result shows that the plants seized by the police were turned to positive of cannabis.
6. You were arrested, cautioned and interviewed by the police where you admitted the allegations made against you.
7. The offences of possession of cannabis substances and cultivation of cannabis plants carry each the maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.
8. There is no mitigating factor to the offending, but the following aggravating factors exist:
 - (a) You had a knowledge intention of the nature of the cannabis substances and plant in your possession as opposed to being reckless in possessing and cultivating it;
 - (b) You cultivated a total of 198 cannabis plants which had a net weight of 8.5 kilograms. You had also in your possession cannabis substances which had a net weight of 175.3 grams. The total cannabis plants and substances confiscated from you had a combined total weight of 8.6753 kilograms.
9. This present case lies under the category 2 of the Wetul guidelines in the Wetul v Public Prosecutor [2013] VUCA 26.
10. The sentence start point is 3 years and 5 months imprisonment on each count.
11. In mitigation, you are 36 years old. You are a first-time offender with no criminal history. You are single with no children. You are unemployed. You earn a living through farming, planting and selling kava. This is how you are able to support yourself and your mother. You cooperated well with the police and made early admissions which have saved the State's resources in bringing this matter to a finality. You have a good relationship with your community and family.
12. I give you a credit reduction allowance of 3 months for your mitigating factors.
13. I give you a further reduction of 33% for your early guilty pleas.
14. The remaining balance of your sentence is 26 months i.e., 2 years and 2 months imprisonment which is your end sentence.



15. You were remanded in custody on 22 November 2023 and released on bail on 30 January 2024. So, you have already spent a total of 1 month and 10 days in pre-custodial period. The time already spent shall be deducted from your sentence.
16. The new remaining balance of your sentence is 2 years and 20 days imprisonment on each count.
17. The nature and circumstances of the offending do not justify a suspension of this term of imprisonment.
18. The sentence of 2 years and 20 days imprisonment is to be served concurrently on both counts. It is effective immediately.
19. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.

DATED at Luganville, Santo, this 23rd day of May, 2024.

BY THE COURT


Hon. Chief Justice Vincent LUNABEK

