

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

Criminal
Case No. 25/145 SC/CRML

PUBLIC PROSECUTOR

v

AMPTON KARU

Date of Hearing: 11th March 2025
Before: Justice Josaia Naigulevu
Counsels: Acting Public Prosecutor – Mr. Christopher Shem
Public Solicitor – Mr. Harrison Rantes

SENTENCE

Introduction

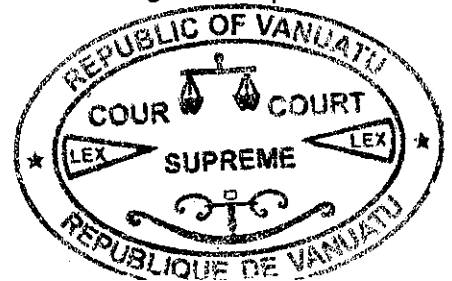
1. Mr. Ampton Karu, you appear for sentence after entering a plea of guilty to and accepting the summary of facts relating to a charge consisting of count possession of cannabis contrary to section 2 (62) of the Dangerous Drugs Act [CAP 12] as amended.
2. You were duly convicted on your plea

Facts

3. You were found in possession of a plastic bag when apprehended by the police at the Kwataparen area on the Tanna Island on the 8th December 2023. The plastic bag was subsequently found to contain 13.4 grams of cannabis substance.
4. You admitted to the Police that it was for own consumption.

Sentencing Guidelines

5. The sentence that is imposed is guided by principles that you must be held accountable for your offending, and that there is a sense that you need to take responsibility for your action, that your conduct is denounced and that similar future acts must be deterred, but equally important is that you must be given ample opportunity to rehabilitate.



6. The approach taken in the present case follows the guidance given by the Vanuatu Court of Appeal in Philip v Public Prosecutor (2020) VUCA 40.

Starting Point

7. In assessing the appropriate starting point, I have taken into account the statutory maximum sentence, as well as the aggravating and mitigating factors of the offending.
8. The maximum penalty for the offence of possession of cannabis is 20 years imprisonment and/or fine of VT100 million.
9. Each counsel has proposed different starting points. I did not find the cases referred to me by Mr. Rantes helpful because they differed in a material way. However, the case Public Prosecutor v Titus [2020] VUSC 48 referred to me by Mr. Shem was of some assistance in determining a suitable starting point.
10. I adopt a global starting point of 15 month.

Guilty Plea

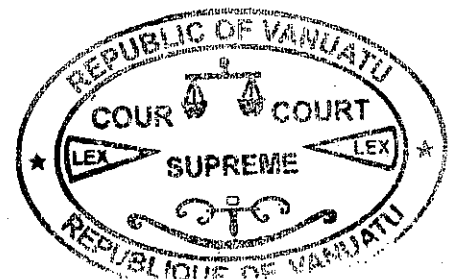
11. Mr. Karu, you have pleaded guilty at the earliest opportunity. As the result you are entitled to a one third discount. This accounts for 5 months, a period to be deducted from the starting point of 15 months.
12. Your guilty plea is an indication also of your remorse and contrition: PP v Gideon [2002] VUCA 7.

Aggravating Factors

13. There are no aggravating factors.

Mitigating and Personal Factors

14. You are 26 years old and live in a defacto relationship with your partner and one year old child. I note that you are a year 13 school leaver, a farmer and sometimes undertake work for your community and church.
15. Your counsel draws to the Court's attention that you are a first-time offender. The absence of a previous conviction is taken into account.
16. These factors reduce your sentence by a further 4 months.

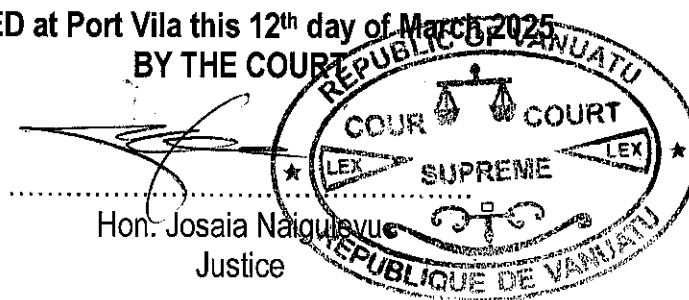


End Sentence

17. I have taken into account all these matters and impose an end sentence of 6 months.
18. This sentence is wholly suspended for a period of 12 months pursuant to section 57 of the Penal code, in view of your early guilty plea and the prospect of your rehabilitation.
19. Mr. Karu you are to complete a total of 80 hours of supervised community service over the next twelve months.
20. You have 14 days to appeal this sentence.
21. The substance seized during the investigation by the Police is be destroyed.

DATED at Port Vila this 12th day of March 2025

BY THE COURT



Hon. Josaia Naigilevu
Justice

