

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

**Criminal  
Case No. 25/1633 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Assak Takau  
Martin Kasso  
Raynold Paul Philip  
Defendants**

**Coram: Justice Dudley Aru**  
**Counsel: Mr. M. Kalwatong for the Public Prosecutor**  
**Ms. L. Bakokoto for the Defendants**

---

**SENTENCE**

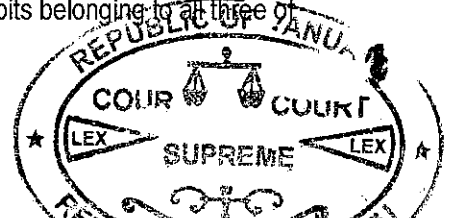
---

**Introduction**

1. Assak Takau, Martin Kasso and Raynold Philip, each of you pleaded guilty to one count of unlawful possession of cannabis contrary to s 2(62) and s 17 of the Dangerous Drugs Act [CAP 12]. You are all convicted on your guilty pleas and the admitted facts.

**The facts**

2. On 23 October 2024 the Police Drugs Unit received information from the owner of Urata Riki that the employees of the ship are involved in cannabis activity. They responded to the call and when the ship arrived at the wharf the Police carried out a search on each you and your personal effects and found you in possession of cannabis substances.
3. Assack Takau as captain of the ship you were found in possession of cannabis substance weighing 0.58 Kilograms. The cannabis was found in a black shopping bag belonging to you and containing 12 packages of dried cannabis plant material covered with aluminium foil, white paper and a red calico.
4. Martin Kasso you were found in possession of cannabis substance weighing 107.5 grams. The cannabis substance was found inside your black basket which contained 4 packages covered with aluminium foil and some dried cannabis plant material.
5. Raynold Philip you were found in possession of cannabis substance weighing 7.25grams. This cannabis substance was found inside your local handmade basket containing 2 packages of dried plant material covered with aluminium foil.
6. On 24 October 2024 Police Officer Winshaul received the exhibits belonging to the three of you for forensic examination. The forensic report concluded that the exhibits belonging to all three of



you tested positive as cannabis. You were all cautioned on 24 October 2024 and admitted possessing the cannabis.

### Sentence start point

7. The maximum penalty for unlawful possession of cannabis is 20 years imprisonment and or a fine not exceeding VT 100 million or both. Next, I consider whether there are any aggravating factors or mitigating factors of the offending. The only aggravating factor is the amount of cannabis possessed by each of you. Mr Takau you were in possession of 0.58 kilo grams or the equivalent of 580 grams. Mr Philips you were in possession of 7.25 grams and Mr Kasso you were in possession of 107.5 grams.
8. There are no mitigating factors of the offending.
9. Both the prosecution and defendant referred to **Wetul v Public Prosecutor** [2013] VUCA 26 where the Court of Appeal has set out sentencing guidelines for offences involving cannabis into three broad categories starting with Category 1 as the lower end of the scale. I accept that your offending in this case is at the lower end of the scale as set out in *Wetul*. The prosecution also referred to **PP v Malu** [2025] VUSC 24; **PP v John** [2025] VUSC 179; **PP v Floflo** [2024] VUSC 170 and **PP v Betsesai** [2024] VUSC 171. All three cases involved possession of cannabis and the end sentences in each case were suspended. The defendant also referred to **PP v Beggie** [2022] VUSC 94. The defendant in that case had in his possession 14.4 kilograms of cannabis. The end sentence was also suspended and the defendant was ordered to do 60 hours community work and 6 months supervision.
10. I set the sentence start points for each of you as follows: -
  - Mr Takau -19 months imprisonment;
  - Mr Kasso - 12 months imprisonment; and
  - Mr Philip - 10 months imprisonment.

### Guilty plea and Personal factors

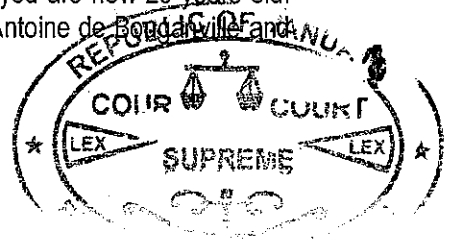
11. Each of you pleaded guilty at the earliest opportunity thus saving the Court's time and costs had a trial proceeded therefore I deduct 30% from the sentence start point for your guilty pleas.

#### *Assack Takau*

12. A pre sentence report was filed on your behalf which shows that you are 47 years old and married with 6 children. You left school at year 11 at Fulton College, Fiji and continued with maritime studies at the Maritime College in Santo. After completing those studies, you became a captain in Urata shipping in 2018. You earned your living to support your family as a Captain for Urata shipping. Your wife speaks highly of you and your support towards maintaining your family. You are a first-time offender and you informed your Probation Officer that you regret the offending.
13. For your personal factors the sentence start point is further reduced by 10%.

#### *Martin Kasso*

14. A Same Day report was also filed on your behalf which states that you are now 29 years old. You completed your education at year 11 to 13 at the Lycee Louis Antoine de Bouda Ville and



attended the Maritime College for a further 2 years attaining a certificate in safety and engineering courses. Your chief speaks highly of you and that you carry out the leadership role in your community as Youth President. You are a first-time offender and you also regret your offending.

15. For your personal factors the sentence start point is further reduced by 10%.

*Reynold Philip*

16. A pre sentence report was also filed on your behalf and states that you are now 20 years old. You completed your education at Year 10 at Vahum Junior Secondary School. You are single and currently live at Erakor with your guardians as your mother passed away when you were two years old. You told your probation officer that you aspire to join the RSE scheme to help your family. Your guardians speak highly of you and of your contributions to your community and to your family. You are a first-time offender and you told your probation officer that you regret the offending as well.

17. For your personal factors the sentence start point is further reduced by 10%.

#### End sentence

18. **Assack Takau** you are sentenced to an end sentence of 12 months imprisonment. This is suspended for a period of 12 months and in addition you will perform 60 hours community work. In addition, I also order supervision for a period of 12 months.
19. **Martin Kasso** you are sentenced to an end sentence of 8 months imprisonment. This is suspended for a period of 12 months and in addition you will perform 50 hours community work. In addition, I also order supervision for a period of 12 months.
20. **Reynold Philip** you are sentenced to an end sentence of 6 months imprisonment. This is suspended for a period of 12 months and in addition you will perform 40 hours community work. In addition, I also order supervision for a period of 12 months.
21. As part of your sentence of supervision, each of you is to attend a rehabilitation program for drugs and alcohol. Should any of you reoffend during the period of your suspended sentence, you will be arrested and remanded in custody to serve your full sentence.
22. I also order that the cannabis material be destroyed immediately.
23. Each of you has 14 days to appeal if you are dissatisfied with the decision.

DATED at Port Vila this 29<sup>th</sup> day of July, 2025

BY THE COURT

Dudley Ard  
Judge

