

**IN THE SEYCHELLES COURT OF APPEAL**

**[Coram: F. MacGregor (PCA) , A.Fernando (J.A), R. Govinden (J.A)]**

**Criminal Appeal SCA 28/2018**

**(Appeal from Supreme Court Decision CR 523 - 528/2016)**

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Jean-Paul Eugenie

Appellant

Versus

The Republic

Respondent

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Heard: 08 August 2019

Counsel: Mr. John Renaud for the Appellant

Mr. Joji John for the Respondent

Delivered: 23 August 2019

**JUDGMENT**

F. MacGregor (PCA)

[1] This is an appeal arising out of six cases wherein the Appellant stood charged with various offences and which have consolidated between housebreaking and imprisonment for the present purposes since they raise the same issues. The Appellant was sentenced to serve a total of seven years and 6 months

[2] It is not a disputed fact that the Appellant is a drug addict which resulted in him being a habitual offender. The probation report on record at E10 of the brief, shows that the Appellant failed to respond positively to his probation conditions. Moreover, the Probation Report shows that the Appellant was given an opportunity to follow a three months drug treatment and rehabilitation programme on Coetivy, yet the Appellant failed to pursue through with the programme. The report also indicates very clearly that the Appellant showed no serious commitment due to the fact that he failed to respond positively to the conditions and requirements of his Probation Order.

- [3] Counsel for the Appellant conceded in his own word that the excessive sentence imposed on the Appellant though consecutive does assist in his reformation and also states in paragraph 2 of his skeleton heads of argument that the sentence is consonant with existing legal principles.
- [4] The past conduct of the Appellant is another factor which weighs in the balance since it is indicative of his attitude. It appears that the Appellant was convicted in 2012 and 2013 for the offences of housebreaking and stealing and was given relatively short prison sentences. He was liberated on 8 October 2015 and offended again in February 2016 following which he was placed on probation and was required to do community service. The subject matter of the present appeal pertains to offences committed in the months of September and October 2016. Therefore, it appears clearly that the Appellant did not heed to the leniency showed towards him in the past
- [5] Having duly considered all the surrounding circumstances of this case as well as the probation report, we are of the view that the Appellant is not a fit and proper candidate for the a lenient sentence as a more relaxed altitude has borne no fruits in the past
- [6] In all the circumstances of this case, the grounds of appeal cannot succeed and is therefore accordingly dismissed.

F. MacGregor (PCA)

<b>I concur:.</b>	.....	A. Fernando (J.A)
<b>I concur:.</b>	.....	R. Govinden (J.A)

Signed, dated and delivered at Palais de Justice, Ile du Port on 23 August 2019