

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

GEORY MARENKO

Criminal Side No. 64 of 2007

Mr. Labonte for the Republic

Mr. Camille for the Accused

SENTENCE

Gaswaga, J

The accused has now changed his plea to that of guilty in respect of the offence of possession of a controlled drug contrary to section 6(a) of the Misuse of Drugs Act read with Section 26(1)(a) of the same as amended by Act 14 of 1994 and punishable under the Second Schedule of the said Misuse of Drugs Act read with Section 29 of the same, whose particulars allege that Geory Marengo of Green Estate, Mahe on the 3rd November, 2007 was found in possession of a controlled drug, namely 430gs of cannabis (herbal material).

His counsel, Mr. Camille has moved the court in a plea of mitigation that by tendering a guilty plea the accused showed remorse and was ready to change his life. Further, that as a young man of only 23 years whose physical fitness and general health is not that perfect, the court should be merciful and impose a non custodial or suspended sentence. Counsel also intimated that the accused's intelligence quotient was below average.

The court takes note of this submission and the fact that it was a class B drug involved. Indeed given the appearance of the accused the court has on its own subjected him to various medical examinations by a psychiatrist whose reports have always maintained that he was fit to stand trial although he suffers limited verbal articulation, even in creole. In the psychological assessment report of 29th May, 2009 his verbal I.Q was put at 75 (sub-normal) with;

- “ 1. Creole vocabulary output of a primary school pupil.
2. *His basic arithmetical acquisition is uncertain.*

His short-term (recall) memory is sound.”

This court is convinced that given the above circumstances and the general situation of the accused he should be allowed to benefit from the provisions of section 29 (3) as they constitute exceptional reasons.

Be that as it may, the court will not lose sight of the prevalence of such offences and the effects of drugs on our society.

Accordingly I shall impose a sentence of five (5) years on the accused.

The period spent on remand by the accused shall count towards this sentence.

D. GASWAGA

JUDGE

Dated this 21st day of September, 2009.