

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

RANDY BRADBURN

Criminal side No. 54 of 2006

SENTENCE

Gaswaga, J

[1] The accused has now been convicted of the offence of, Possession of a controlled drug contrary to section 6(a) as read with section 26(1)(a) of the Misuse of Drugs Acts as amended by Act14 of 1994 and punishable under the second schedule read with section 29 of the same. The particulars allege that, Randy keren Bradburn of Corgate Estate, Mahe, on the 18th day of December, 2006 at Castor Road (English River), Mahe, was found in possession of 519.9 grams of cannabis.

[2] The facts as presented by the prosecution and admitted by the accused are that on the fateful day the accused encountered police officers along Castor Road, English River who were on foot patrol. A body search was conducted on him and a plastic bag containing herbal material which later came to be analyzed and confirmed to be cannabis weighing 519.9 grams was retrieved from his trousers. He was arrested and subsequently arraigned.

[3] Mr. Elizabeth has urged the court to exercise lenience while sentencing the

accused who is a first offender, aged thirty two and the sole bread winner for his family. It was submitted that if he is incarcerated for a long period of time his wife and two children; one aged two years and the other nine months will suffer.

[4] Indeed I agree with Mr. Elizabeth that by tendering a guilty plea the accused demonstrated that he was remorseful and deserved to be credited for that by the court. He has saved a lot of court's precious time yet the illicit drug involved was not a class A category drug but herbs. It is for these reasons that Mr. Elizabeth is moving this court for a sentence of five years.

[5] While considering a suitable sentence for the accused this court will not lose sight of the effects illicit drugs have caused on our society, especially on the young generation. Despite the warning written all over the wall there are some people who have decided to ignore it and continue with the illegal trade until they are arrested or in the hope that they are not caught. Of course this would require that such people be taken away from the society for some time to enable them reform.

[6] Having once again considered the mitigation in *toto* and the seriousness of the offence as well as the current sentencing pattern herein I shall impose a custodial sentence of **five and a half (5 ½)** years in prison.

[7] **The period spent on remand shall be counted as part of this sentence.**

[8] **Right of appeal explained.**

D. GASWAGA

JUDGE

Dated this 28th day of May, 2010

