

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 26/2014

[2016] SCSC 156

THE REPUBLIC

versus

JEFFREY ADRIENNE

Accused

Heard: 17 February 2016

Counsel: Mr Kumar Assistant State Counsel for the Republic
Mr Anthony Juliette for the accused

Delivered: 9 March 2016

SENTENCE

Mckee J

- [1] The Accused was originally charged with the substantive charge of Trafficking in a Controlled Drug. He first appeared before the Supreme Court on 6th October 2014. He was remanded in custody. On 23rd February 2015 the Accused pleaded Not Guilty to the charge, remained remanded in custody and the matter was set for trial. On 29th January 2016 the Prosecution filed an amended charge of simple possession hence the formal charge to be faced by the Accused was as follows:
- [2] Possession of a controlled drug contrary to section 6 of the Misuse of Drugs Act Cap 133 and read with section 26[1][a] of the said Act and punishable under section 29[1] and the Second Schedule of the said Act.

- [3] The Particulars of the offence were as follows: Jeffrey Adrienne of Roche Caiman, Mahe on 21st September 2014 at Roche Caiman, Mahe was found in possession of a controlled drug substance weighing 24.2grams in total which contained 6.2 grams of pure heroin [diamorphine].
- [4] On 17th February 2016 this amended and lesser charge was read and explained to the Accused in English and in Creole. The Accused pleaded Guilty to the charge. The Brief Facts were read to the Accused and the Accused agreed the Brief Facts. Thereafter I convicted the Accused of the charge. I was advised by the Prosecution that up to his conviction the Accused had been a man of clear record. Defence Counsel mitigated on behalf of the Accused. The matter was adjourned for sentence.
- [5] In considering sentence I took into account the nature of the amended charge, the plea of guilty, the Brief Facts, the plea in mitigation and the fact that the Accused had been a man of clear record until conviction. I have also to take into account that the quantity of mixture was high at 24.2 grams although the purity of the heroin content was 6.2 grams. The drug involved was a “hard drug”. The Accused is the father of three children and had worked on fishing vessels but there is no information as to whether he contributed to the upkeep of the children. I remind myself that he has been convicted of the lesser charge of simple possession. I referred also to the cases put before me by Defence Counsel.
- [6] I take all the above factors into account. I take as a starting point a term of imprisonment of six years imprisonment. I give the Accused a twenty five per cent discount in view of his plea of guilty. Accordingly the Accused is sentenced to a term of four years six month imprisonment. Time spent in custody will be taken into account when his date of release from prison is calculated.

Signed, dated and delivered at Ile du Port on 9th March 2016.

C McKee

Judge of the Supreme Court