

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 72/2014

[2016] SCSC 730

THE REPUBLIC

versus

ANDY MOREL

Accused

Heard: 27 september 2016
Counsel: Mr. Ananth Subramanian, Assistant Principal State Counsel for the Republic
Mr. Nichol Gabriel Attorney at Law for the accused

Delivered: 7 October 2016

SENTENCE

Burhan J

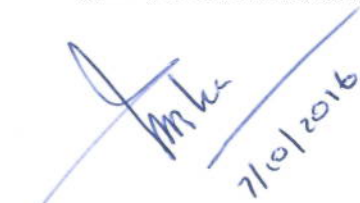
- [1] The convict in this case Andy Morel was found guilty after trial for the offences of
- a) Causing death by dangerous driving.
 - b) Driving a motor vehicle with alcohol concentration above the prescribed limit.
- [2] I have considered the plea in mitigation made by learned counsel Mr. Nichol Gabriel on behalf of the accused. Learned Counsel stated that at the time of the incident the accused

was a driver working at Asian Fusion. He further stated that the accused is 30 years old and has 3 children. Learned counsel informed court that the facts of the case indicate that the victim Daniella Balette had died not at the scene of the incident but a few weeks later. He moved court that the court be lenient with the convict and impose a suspended term of imprisonment.

- [3] I have considered the facts set out in the plea in mitigation. I note that the prosecution has clearly established beyond reasonable doubt that the convict was driving in an extremely dangerous manner resulting in the car leaving the road and colliding with a tree on the opposite side of the road. Further the damage to the vehicle indicate the force of the impact which resulted in the death of the victim who was seated in the back of the vehicle.
- [4] These facts are further aggravated by the fact that the convict was driving with a alcoholic concentration of 98 to 100 micrograms of alcohol per 100 millilitres of breath well above the prescribed limit which is only 35.
- [5] I also note that the age of the deceased person is 41 years and that she was at the prime of her life at the time of this incident.
- [6] I also draw attention to the case of *The Republic v Kevin Neerghen CR 20/2012* where the accused was sentenced to a term of 2 years imprisonment having been found guilty of similar offences under similar circumstances. In the case of *Barreau v The Republic ((2105) SCCA 45* the Seychelles Court of Appeal in a charge of Manslaughter under similar circumstances reduced the sentence to 4 years imprisonment.

- [7] Considering all the aforementioned circumstances, I proceed to sentence the convict Andy Morel to a term of 1 ½ (one and a half) years imprisonment on Count 2 and 6 months imprisonment on Count 3 to run concurrently. Time spent in remand to count towards sentence. I also make order his driving licence be suspended for a period of 3 years from today. Licencing Authority to be informed of same.

Signed, dated and delivered at Ile du Port on 7 October 2016

A handwritten signature in blue ink, appearing to be 'M Burhan', is written over a diagonal line. To the right of the signature, the date '7/10/2016' is handwritten in blue ink.

M Burhan
Judge of the Supreme Court