

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 9/2016

[2016] SCSC 77

THE REPUBLIC

versus

LEEROY PIERRE
Accused

Heard:

Counsel: Mr Thachett, Assistant State Counsel for the Republic
Mr Andre standing along with Mr Gabriel for the accused

Delivered: 15 February 2016

RULING

Dodin J

The Accused Leeroy Pierre stands charged with one count of unlawful attempt to cause the death of another contrary to Section 207 (a) of the Penal Code and alternatively, one count of committing an act intended to cause grievous harm contrary to and punishable under Section 219 (a) of the Penal Code.

Learned counsel for the prosecution moved the Court to remand the accused into custody pending trial on account of:

- (1) The offences charged are serious which if convicted carry a maximum sentence of life imprisonment;
- (2) There are substantial grounds to believe that the Accused will abscond and fail to attend trial on account of the serious nature of the offences as charged;
- (3) Such offences are on the rise in the country and the fact that it was committed against foreign nationals tarnishes the reputation and affects the economy which is heavily dependent on tourism and;
- (4) That the Accused used personal violence which gives rise to the possibility that if he is released on bail he may interfere with witnesses and hence obstruct the cause of justice.

Learned counsel for the Accused objected to the application to remand the accused into custody submitting that:

- (1) Under Article 18 of the Constitution, the right of the Accused to liberty is paramount, noting that the Accused is innocent until proven guilty.
- (2) There is no evidence establishing a prima facie case that the accused might abscond and fail to attend trial noting that the accused voluntarily reported to the Beau-Vallon Police Station when he learned that the Police was looking for him;
- (3) There is no evidence or statistic to support the contention that such offences are on the rise in the country and that all victims of crime whether Seychellois or foreigners should be treated equally.
- (4) There is no evidence that the accused may interfere with witnesses and the fact shows that the Accused did not interfere with any witnesses for the period before he reported to the Police.

Learned counsel moved the Court to release the accused on bail with conditions.

I have carefully considered the submissions of both learned counsel and read the affidavit of

Detective Inspector Barbra Denis.

It is obvious from the facts related in the affidavit that the victims in question suffered severe degree of violence resulting in very serious, life threatening and disfigurement injuries.

Nevertheless, in considering whether to remand an accused into custody or to release him on bail, the most important factor for the Court to consider is whether the accused will attend trial and it must ensure that the accused has no possibility or reason to interfere with witnesses or potential witnesses. Seriousness of the offence is a factor which may lead an accused to abscond or interfere with witnesses and hence obstruct the cause of justice. However at this stage it is not the duty of the Court to determine the strength of the evidence against the accused so as to determine the likelihood of him being convicted or acquitted.

Having looked at the circumstances surrounding the commission of the offences charged, I am satisfied that there are sufficient reasons to restrict the liberty of the accused for the time being as allowed by Article 18 of the Constitution.

I therefore grant the application of the prosecution to remand the accused into custody for the time being until the Court decides otherwise.

The Accused is therefore remanded into custody accordingly.

Signed, dated and delivered at Ile du Port on 15 February 2016

G Dodin
Judge of the Supreme Court