

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CR53 /2015

[2017] SCSC 141

---

THE REPUBLIC

versus

NEDDY LAGRENADE & ORS  
Accused

---

Heard: 17<sup>th</sup> January 2017  
Counsel: Mr. Ananth Subramanian for the Republic  
Mrs. Alexia Amesbury for the 1<sup>st</sup> Accused  
Mr. Nichol Gabriel for the other 4 Accused Persons  
Delivered: 17<sup>th</sup> January 2017

---

RULING

---

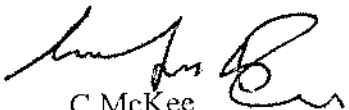
**McKee J**

- [1] This is the ruling on the *voire dire*, as to rule that the statement has been voluntarily given or not. There is a conflict of evidence in this matter. Mr. Marie states that he explained the full rights to the first Accused, this included the right to have a lawyer present.
- [2] It was Mr. Marie's evidence that the first Accused did not ask for a lawyer and wanted to proceed to give statement. The First Accused elected to give sworn evidence on the *voire dire*. His evidence was he had asked for a lawyer to be present at the interview.
- [3] The one person who could throw some light on this matter was a witness inspector Danny. I have listened to her evidence in chief very carefully. It was her evidence that

she did not recall if the first Accused asked for a lawyer. This type of evidence is of no real value to the Court.

[4] I am left with two conflicting versions of the matter and in a *voire dire* proceedings the burden still rest with the prosecution to prove its case beyond reasonable doubt. In the light of the evidence before me I find that the prosecution has not satisfied this burden accordingly I rule that the statement is inadmissible.

Signed, dated and delivered at Ile du Port on 17<sup>th</sup> January 2017

  
C McKee  
Judge of the Supreme Court