**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side:** **25/20****13**

 **[201****7] SCSC** **73**

**THE REPUBLIC**

versus

**THEOPHANE JUDE FINESSE**

Heard:

Counsel: Mr. Thachett, for the Republic

 Mr. Chetty for the

Delivered: 3 February 2017

1. I have heard counsel in mitigation. The Convict is 39 years old. He has pleaded guilty, shown remorse and this has saved the Court’s time of holding a trial. The amount of drug is 69.2 grams of a Class B Drug that is Cannabis herbal material. The Convict lives with his father whom he supports. He has served a prison sentence in another case which offence was committed subsequent to this one. However I would also note that since he was treated as a first offender in the other one, I cannot treat him as a first offender in this case although the offence was committed prior to that one, however I would take that into consideration. I note that he has served on remand from the 6th of April 2013 at the Magistrates Court until the 6th of August 2013 when he was released by the Supreme Court. That is exactly 4 months.
2. I will impose the following sentence on the Convict. I impose a term of imprisonment of 6 months for the offence. The Convict is entitled to remission of one third (⅓) of his sentence that is 2 months and the time that he has served on remand from the 6th of April 2013 to the 6th of August to 2013 shall count as the sentence so that is the 4 months which he has already served. That means he does not have to be incarcerated further.
3. I also impose a fine of SR10,000 as the Convict is not a first time offender for these purposes. I will give him 6 months to pay the fine. In default he shall spend 6 months imprisonment.

FURTHER ORDER

1. I make a further order that the sum of money of SR14,500 which was seized on the Convict be forfeited to the Republic.
2. He can appeal against the sentence within 30 working days.

Signed, dated and delivered at Ile du Port on 3 February 2017

**Judge of the Supreme Court**