

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO 25/2013**

**[2017] SCSC 73**

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**THE REPUBLIC**

versus

**THEOPHANE JUDE FINESSE**

Accused

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Heard:

Counsel: Mr. Thachett, Assistant Principal State Counsel for the Republic  
Mr. Chetty for the accused

Delivered: 3 February 2017

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SENTENCE

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Dodin J

**[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 6<sup>th</sup> of April 2013 at the Magistrates Court until the 6<sup>th</sup> 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 ( $\frac{1}{3}$ ) of his sentence that is 2 months and the time that he has served on remand from the 6<sup>th</sup> of April 2013 to the 6<sup>th</sup> 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

[4] I make a further order that the sum of money of SR14,500 which was seized on the Convict be forfeited to the Republic.

[5] He can appeal against the sentence within 30 working days.

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

G Dodin  
**Judge of the Supreme Court**