

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO41/2013**

**[2017] SCSC**

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**THE REPUBLIC**

versus

**JOEL STEVEN LAURENCINE**

Accused

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Heard: 17 March 2017  
Counsel: Mrs. Lansinglu Rongmei, Assistant Principal State Counsel for the Republic  
Mr. Anthony Juliette Attorney at Law for the accused  
Delivered: 12 June 2017

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**SENTENCE**

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Burhan J

- [1]** The convict Joel Laurencine was found guilty and convicted after trial for the following offences:
- a)** Assault or attempting to assault NDEA agent contrary to section 16 (6) of the NDEA Act read with section 23 and punishable under section 17 (3) of the NDEA Act.

- b) Uttering or sending threats to or intimidating an NDEA agent contrary to section 16 (6) (b) of the NDEA Act read with section 23 of the Penal Code and punishable under section 17 (3) of the NDEA Act
- c) Possession of an offensive weapon with intent to be used in a manner to cause injury or for a purpose prejudicial to public order contrary to section 84 (1) of the Penal Code and punishable under same.

[2] In terms of section 17 (3) of the NDEA Act, the convict faces in respect of Counts 1 and 2, a term of not more than 20 years imprisonment and a fine not exceeding 5,000.000 SR. In regard to Count 3 the convict is liable to a term of 7 years imprisonment.

[3] I have considered the plea in mitigation and the probation report filed in the record.

[4] Learned counsel in mitigation stated that this is not a serious matter as no injury was caused. The NDEA agent was not on duty at the time. The convict had thereafter reconciled with the victim. The accused had apologised to the victim after the incident. He also drew the attention of Court to certain authorities where only fines had been imposed in similar instances.

[5] I have also considered the facts set out in the probation report, the age of the victim being 36 years, the fact he has two children and the other background circumstances. I have also considered the recommendation of a suspended term of imprisonment and a fine by the officer of the probation services.

[6] In the case of *Naddy Dubois & Ors v the Republic 2017 SCA 06*, the Seychelles Court of Appeal upheld a sentence of 11 years imposed on the convicts. I also consider the sentence of 6 years imposed by this court in the case of *Republic v Freminot 2017 SCSC 271*. However I note the circumstances in these two cases were more serious as in the Naddy Dubois (supra) the NDEA agents were assaulted and sustained serious injuries, their vehicles damaged and were unable to perform their official duties. In Freminot (supra), the convict entered the house of an NDEA agent when he was not present and threatened and assaulted his minor daughter as her father was working for the NDEA.

[7] In this instant case the facts are not that aggravated as the aforementioned cases, as the NDEA agent was off duty and not performing his official duties at the time of the incident. However the aggravating factor would be the use of a weapon under the neck of the victim when committing the said offences which in my view, demands that the convict be incarcerated for a short period of time which would be a suitable deterrent to prevent him repeating the said offence.

[8] I therefore proceed to sentence him as follows:

Count 1 – A term of three months imprisonment and a fine of SR 5000 (five thousand).

Count 2 – A term of three months imprisonment and a fine of SR 5000 (five thousand).

Count 3 - A term of three months imprisonment and a fine of SR 5000 (five thousand).

[9] I make order that the term of three months imprisonment imposed on each Count run concurrently. I further make order that time spent in remand to count towards sentence.

[10] Failure of the convict to pay the total fine of SR 15000/ (fifteen thousand) would result in a default term of 6 (six) months imprisonment being imposed which would run consecutively.

Signed, dated and delivered at Ile du Port on 12 June 2017

M Burhan

**Judge of the Supreme Court**