

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO 51/2017**

**[2018] SCSC 319**

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**THE REPUBLIC**

versus

**ROBERT JULES**

Accused

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Heard: 19 March 2018  
Counsel: Mr. Hemanth Kumar, Assistant Principal State Counsel for the Republic  
Mr. Danny Lucas Attorney at Law for the accused  
Delivered: 3 April 2018

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**SENTENCE**

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**Burhan J**

- [1] The convict in this case Robert Jules was convicted on his own plea of the offence of Importation of a controlled drug, contrary to section 5 of the Misuse of Drugs Act 2016 and punishable under same. The particulars of the offence are that the convict on the 30<sup>th</sup> of September 2017, imported into Seychelles a controlled drug weighing 148.8 grams which contained 67.72 grams of pure Heroin.
- [2] I have considered the facts contained in the probation report, medical certificate and the persuasive submissions in mitigation made by Learned Counsel for the convict. Admittedly the convict is a first offender. He has pleaded guilty without proceeding to

trial thereby saving the time of Court. The convict according to the probation report is 39 years old and has 5 children. He was working as a mason and an excavator operator at the time he was arrested. It is admitted by the convict at the time he committed the offence that he was a drug dependent person for the past 10 years which was instrumental in him agreeing to the unsuccessful attempt to import the controlled drug into the country.

[3] I have also considered the medical report tendered at the request of Learned Counsel for the convict. It is apparent that the convict is suffering from three serious conditions namely Infective Endocarditis, Intra-venous Drug Use and Hepatitis C. Learned Counsel based on these facts, moved for a non-custodial term of imprisonment to be imposed on the convict.

[4] The charge attracts a maximum term of life imprisonment. The controlled drug involved is a Class A drug Heroin. In usual circumstances in sentencing under the new Act, the pure weight is considered and not the net weight of the substance. The weight of controlled drug is 67.72 grams which is less than 250 grams. The quantity of 250 grams makes the offence aggravated in nature. Further there is no evidence to indicate that the controlled drug was imported for commercial purposes. No other aggravating circumstance has been brought to the notice of Court by Learned Counsel for the prosecution. I therefore am of the view that the indicative minimum sentence of 20 years is not applicable and the convict is entitled to remission as no aggravating factors exist.

[5] I have considered the fact that the convict has pleaded guilty which according to the present practice direction entitles him to a discount on the sentence that would be passed for the said offence. I have also considered the health problems of the convict which are of serious nature and the fact that there are no aggravating circumstances as set out in the new Misuse of Drugs Act. Having considered all the aforementioned circumstances, I proceed to sentence the convict to a term of 7 (seven) years imprisonment.

[6] I further make order that the time spent in remand count towards sentence. The convict is entitled to remission if he is of good behaviour whilst serving his term.

Signed, dated and delivered at Ile du Port on 3 April 2018

M Burhan  
**Judge of the Supreme Court**