

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 66/2013

[2018] SCSC 533

THE REPUBLIC

versus

STEPHANY EDMOND

Accused

Heard:

Counsel: Mrs Lansinglu, State Counsel for the Republic
Ms KimKoon for the accused

Delivered: 12 April 2018

SENTENCE

Dodin J

[1] The Convict Stephany Edmond stands convicted of one count of causing death by dangerous driving contrary to Section 25 of the Road Transport Act.

[2] The particulars of the offence are that Stephany Edmond of Pointe Larue Mahe on the 01st day of November 2013 at Mont Buxton Mahe cause the death of another person namely Melissa Dugasse by driving a motor vehicle with registration number S12185 on the road recklessly or in a manner which was dangerous to the public.

- [3] Section 25 of the Road Transport Act reads “*a person who causes the death of another person by driving a motor vehicle on a road recklessly or at a speed or in a manner which is dangerous to the public having regards for the circumstances of the case including the nature condition and use of the road and the amount of traffic which is actually at the time or might reasonably be expected to be on the road shall be liable on conviction to imprisonment for a term not exceeding 5 years.*”
- [4] Learned Counsel for the Convict in mitigation moved the Court to show leniency in sentencing the Convict considering that he is well advanced in age, 65 years old now and retired; he has also over the last year undergone several medical interventions and now walks with the help of a cane. He is a first offender.
- [5] He is in need of continuous medical treatment for the degenerative disc disease lumbar spine and arthritis of left knee. The Convict also suffers from neovascular glaucoma and is being followed up at the eye clinic. (all medical reports attached)
- [6] I have heard counsel in mitigation and read the medical reports submitted. I am mindful that incarcerating the Convict with such medical conditions poses serious challenges both on the Convict personally and on the prison system as well as the medical support necessary to keep the health of the Convict in as good and acceptable conditions as can be kept.
- [7] On the aggravating side I note that a person, namely Melissa Dugasse lost her life due to the gross negligence of the Convict and that the Convict to date refuses to admit that he was at fault.
- [8] Having considered all the factors necessary, I am satisfied that simply committing the Convict to a term of imprisonment would not answer the call for justice whilst be also fair to commensurate to the offence.
- [9] I therefore impose the following sentence on the Convict:
- (i) I sentence the Convict to 18 months imprisonment which shall be suspended to 3 years and
 - (ii) In addition to a fine of Rs10,000.

(iii) I further suspend the driving license of the Convict for that period of 3 years.

[10] The fine can be paid by instalments within a period of 1 year.

[11] Appeal 30 working days.

Signed, dated and delivered at Ile du Port on 12 April 2018

G Dodin
Judge of the Supreme Court