

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 24/2017

[2018] SCSC 532

THE REPUBLIC

versus

KENNY DIDON
Accused

Heard:

Counsel: Mrs Lansinglu, Assistant State Counsel for the Republic
Mr Ferley for the accused

Delivered: 17 May 2018

SENTENCE

Dodin J

[1] The Convict Kenny Didon has been convicted on his own guilty pleas of one count of possession of 5.53 grams of Heroin diamorphine with purity of 3.26 grams. One count of possession of 5.86 grams of Cannabis herbal material and one count of possession of instrument/articles to facilitate the use of controlled drugs namely two small digital scales and the sum of SR19,300 was also seized from the Convict upon being apprehended.

[2] Learned Counsel for the Convict moved the Court in mitigation to show leniency as the Convict is 31 years old and is the sole breadwinner of his family which consists of his elderly and ailing mother aged 71 years, a brother who is handicapped and bedridden and his elderly father who is an alcoholic.

[3] He is a first offender, he is remorseful, he has pleaded guilty and saved the Court's time and expenses of a trial. The amount of drugs are on the low side and learned counsel also moved the Court not to impose a sentence of imprisonment on the Convict. I have considered the submission of learned counsel in mitigation and also the charges to which the Convict has been convicted of.

[4] I find no aggravating factors which would require the imposition of a sentence of imprisonment for any of the counts noting that both Count 1 and 2 are for possession. I therefore impose the following sentences on the Convict :

(1) Count 1 possession of 3.2 grams of pure heroin diamorphine 1 year imprisonment suspended for 3 years.

(2) It is a condition that is he does not commit any similar offence during that period of 3 years.

(3) Count 2 possession of 5.86 grams of Cannabis herbal material 6 months imprisonment suspended for 1 year with condition that he does not commit any similar offence during that period.

(4) The sentences shall run concurrently.

(5) Count 3 possession of apparatus/article to facilitate use of controlled drug I impose a fine of SR5000 to be paid within 3 months in default 6 months imprisonment.

(6) I further order that the sum of SR19,300 seized from 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 17 May 2018

G Dodin

Judge of the Supreme Court