

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 46/2011

[2018] SCSC 674

THE REPUBLIC

versus

DAVID BAKER

Accused

Heard:

Counsel: Ms Boodna, State Counsel for the Republic
Mr Gabriel for the accused

Delivered: 13 July 2018

SENTENCE

Dodin J

[1] I have heard Counsel in mitigation. The Convict in this case is aged 36 years. He is a father of a 10 year old child and he is self-employed. This case has been in Court since 2011 and there were two Accused one has been acquitted.

[2] Learned Counsel moved the Court for leniency submitting that the Accused is remorseful and under the New Misuse of Drugs Act guidelines the maximum sentence for that

amount of drugs would be up to 2 years and a fine. And he moved the Court to instead of imposing a prions sentence to impose a fine.

[3] I note that for the purpose of this case the Accused is a first offender. The amount of drugs is 532.1 grams which is on the low end of the scale and that under the new guidelines any amount from 250 grams to 1500 grams would carry a sentence of up to 2 years imprisonment and a fine.

[4] I note that the Accused has been on bail since 2011 and has not committed any similar offence that we know of since then. And therefore he would benefit from the new Misuse of Drugs Act guidelines. I also note that there is no aggravating factor in this case.

[5] I impose the following sentence:

- (i) I impose a sentence of 1 year imprisonment suspended for 3 years with condition that he does not commit any similar offence within that 3 years.
- (ii) And furthermore I impose a fine of SR30,000.
- (iii) In default of not paying that fine a sentence of 1 year imprisonment would be activated.
- (iv) I further order that the passport of the Convict be returned to him.
- (v) Immigration Authorities to be notified that any travel restrictions imposed on the Convict has been revoked and he can be issued with new travel documents.
- (vi) I will give you 6 months to make full payment of the fine and I further order that the cash bail of SR20,000 be seized and paid as part of the fine.

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

Signed, dated and delivered at Ile du Port on 13 July 2018

G Dodin

Judge of the Supreme Court