

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO27/2015**

**[2018] SCSC**

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**THE REPUBLIC**

versus

**GODFREY ALBERT**

First Accused

**TERRY POINTE**

Second Accused

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Heard: 19 February 2018  
Counsel: Mr. George Thachett, Assistant Principal State Counsel for the Republic  
Mr. Daniel Cesar Attorney at Law for the First Accused  
Mr. Nichol Gabriel Attorney at Law for the Second Accused  
Delivered: 20<sup>th</sup> February 2018

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**SENTENCE**

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**Burhan J**

[1] The 1<sup>st</sup> convict Godfrey Albert has been found guilty and convicted on the alternative Counts 2 and 3 which read as follows:

## **Count 2**

*Aiding and Abetting in Housebreaking contrary to and punishable under Section 289 (a) read with Section 22(c) of the Penal Code (CAP 158).*

## **Count 3**

*Stealing from dwelling house contrary to and punishable under Section 264 (b) read with Section 23 of the Penal Code (CAP 158).*

- [2] Count 2 and 3 are felonies and each attract a maximum term of 10 years imprisonment.
- [3] I have considered the plea in mitigation on behalf of the 1<sup>st</sup> convict Godfrey Albert. He is a first offender. Learned counsel on behalf of the 1<sup>st</sup> convict stated that his client had never been in trouble before, and was 37 years of age, is living in cohabitation and has a child. He further stated that the 1<sup>st</sup> convict had several loans.
- [4] However, I note that there are many aggravating circumstances in this case. The 1<sup>st</sup> convict was a trusted employee and according to the evidence before court, a well-liked employee. It is clear he had betrayed this trust placed upon him by his employer, by aiding and abetting a housebreaking of his employer's premises. I therefore find the act of the 1<sup>st</sup> convict in aiding and abetting a house breaking in this instant case aggravating in nature. It is apparent that it was the assistance given from within, that encouraged and resulted in the housebreaking of the British High Commission, a premises under 24 hour guard. Further the items stolen were valuable jewellery valued at GBP 20,550.00 and cash SCR 1000 and GBP 100. Only a necklace worth 1500 GBP was recovered by the police. However nothing was recovered as a result of the co-operation of either of the convicts.
- [5] Having considered the aggravating circumstances peculiar to this case and the aforementioned circumstances in mitigation, I proceed to sentence the 1<sup>st</sup> convict Godfrey Albert, to a term of 5 (five) years imprisonment on Count 2 and to a term of 3 (three) years imprisonment on Count 3. I make order that both terms of imprisonment run concurrently.

[6] The 2<sup>nd</sup> convict Terry Pointe has been found guilty and convicted on Count 4 which reads as follows:

**Count 4**

*Retaining other property knowing or having reason to believe that the same to have been feloniously stolen, taken, obtained contrary to and punishable under Section 309 (1) of the Penal Code (CAP 158).*

[7] The 2<sup>nd</sup> convict Terry Pointe was given an opportunity to mitigate as his counsel was not present. He stated he had nothing to say. The 2<sup>nd</sup> convict had several previous convictions which were read over to him in Open Court and which were accepted by him. The previous convictions admitted to by the 2<sup>nd</sup> convict were in respect of offences, including breaking into building, stealing from dwelling house and stealing from vehicle and attempted burglary. I also note the offence he is convicted of in this case Count 4 is a felony.

[8] Having considered his antecedents, I proceed to sentence him to a term of 4 (four) years, imprisonment on Count 4. This term of 4 years imprisonment is to run consecutively to all other terms of imprisonment imposed on him up to date.

Signed, dated and delivered at Ile du Port on 20<sup>th</sup> February 2018

M Burhan  
**Judge of the Supreme Court**