

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO14/2018**

**[2018] SCSC 672**

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**THE REPUBLIC**

versus

**LINDA MARIE**

First Accused

**DAVID CECILE**

Second Accused

**ELIZABETH CECILE**

Third Accused

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Heard: 9 July 2018

Counsel: Ms. Brigitte Confait, Senior State Counsel for the Republic  
Mr. Nichol Gabriel Attorney at Law for the first accused  
Mr. Clifford Andre Attorney at Law for the second and third accused

Delivered: 16 July 2018

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**ORDER**

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**Burhan J**

[1] I have considered the submissions of Learned Counsel for the 2<sup>nd</sup> accused Mr. Andre in respect of bail and the objections of Learned Counsel for the prosecution Ms Brigitte Confait in respect of same.

[2] The main grounds urged by Learned Counsel in respect of his application for bail are:

- a) The 2<sup>nd</sup> accused is charged only with conspiracy to import a controlled drug.
- b) He is a 'pirate' taxi driver who was asked to collect a person at the airport which he did as his livelihood depended on it as he was being paid for his services.
- c) The 2<sup>nd</sup> accused be released on bail and suitable bail conditions imposed to ensure he does not abscond from court.

[3] Learned counsel for the prosecution informed Court that there was a commercial element involved in the importation of the said controlled drug and there was a risk of the witness being interfered with as one Barbara Mathiot had been given a conditional offer and lived in the same district as the 2<sup>nd</sup> accused and his sister the 3<sup>rd</sup> accused.

[4] When one considers the affidavit filed by the prosecution dated 5<sup>th</sup> March 2018, paragraph 9 alleges further involvement of the 2<sup>nd</sup> accused, more than that of being a mere 'pirate' taxi driver. Further the prosecution relies on the evidence of a witness Barbara Mathiot who has been granted a conditional offer. It is apparent she too lives in the same district as the 2<sup>nd</sup> and 3<sup>rd</sup> accused and is well known to them as the facts before court indicate, she too has been part of the conspiracy. Therefore there are substantial grounds in the view of this Court, to believe this witness will be interfered with.

[5] Considering the seriousness of the offence with which the 2<sup>nd</sup> and 3<sup>rd</sup> accused are charged with, which concerns the importation of a controlled drug, a Class A drug, heroin and the possibility of the accused absconding in the face of such a serious charge, I proceed to decline the application for bail and am satisfied on consideration of all the above facts that substantial grounds exists for the further remand of the 2<sup>nd</sup> accused into custody.

Signed, dated and delivered at Ile du Port on 16 July 2018

M Burhan  
**Judge of the Supreme Court**