

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO14/2018

[2018] SCSC

1102

THE REPUBLIC

versus

LINDA MARIE

First Accused

DAVID CECILE

Second Accused

ELIZABETH CECILE

Third Accused

Heard: 26 November 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: 5 December 2018

ORDER

Burhan J

- [1] I have considered the submissions of Learned Counsel for the 2nd accused Mr. Andre in respect of bail and the objections of Learned Senior State 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 2nd accused is charged only with conspiracy to import a controlled drug.
 - b) The evidence led by the prosecution up to date does not implicate the 2nd accused in the offence.

- c) 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.
- d) The weight of the quantity of controlled drug is not aggravated in nature.
- [3] The 2nd accused has been charged with the offence of Conspiracy to import a quantity of 204.1 (pure 126.5) grams of controlled drug Heroin.
- [4] Learned Counsel for the prosecution informed Court that the circumstances have not changed since the date of the last application for bail 16 of July 2018. The evidence of witness Barbara Mathiot has still not been led and there still lies a risk of the witness being interfered with as Barbara Mathiot had been given a conditional offer and lives in the same district as the 2nd accused and his sister the 3rd accused. I further observe on perusal of the proceedings that due to the absence of Learned Counsel for the 2nd accused on medical grounds, the case had to be adjourned on the last date the 10 September 2018.
- [5] The prosecution has already informed Court that Barbara Mathiot is an essential witness as she has been granted a conditional offer. It has been brought to the attention of Court that she lives in the same district as the 2nd and 3rd accused and is well known to the accused as she too has been part of the conspiracy. Therefore in the view of this Court, there are substantial grounds to believe this witness will be interfered with.
- [6] Considering the reasons already given by this Court in its last few orders refusing bail in this instant case and the seriousness of the offence as it concerns the importation of a Class A controlled drug and for reasons stated in paragraph [5] herein, 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 2nd accused into custody. The application for bail is declined.

Signed, dated and delivered at Ile du Port on 5 December 2018


M Burhan
Judge of the Supreme Court