

**SUPREME COURT OF SEYCHELLES**

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**Reportable/ Not Reportable / Redact**  
[2019] SCSC 38  
CO 44/2018

In the matter between:

**THE REPUBLIC**  
*(rep. by George Thatchett)*

and

**IAN SIRAME**  
*(rep. by Nichol Gabriel)*

**Accused**

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**Neutral Citation:**

**Before:** Dodin J

**Summary:** -Manslaughter -Emotional instability -Personality disorder -5 years imprisonment

**Heard:**

**Delivered:** [24<sup>th</sup> January 2019]

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**SENTENCE**

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**DODIN J**

[1] The Convict, Ian Sirame, has been convicted on his own guilty plea to one Count of manslaughter contrary to Section 192 of the Penal Code and punishable under Section 195 of the Penal Code.

[2] The brief facts of the case are that on the 19<sup>th</sup> August 2018, the Convict and the deceased Roy Philoe who were both inmates at Montagne Posée Prison, got into an argument which developed into a violent altercation in which the Convict pulled a knife and stabbed the deceased on the left side of his back. The deceased was taken to Anse

Boileau clinic but died as a result of the stab injury which had caused hypovolemic shock, lung perforation and hemothorax.

[3] The Convict was initially charged with murder and underwent medical, psychological and psychiatric evaluations. The results of the evaluations concluded that the Convict had a clinical psychological profile of personality disorder. He is emotionally unstable and impulsive with substance abuse re-enforcing the primary pathologic.

[4] Consequently, the charge against the Convict was reduced to manslaughter to which he now stands convicted.

[5] Learned counsel for the Convict moved the Court in mitigation to impose a lenient sentence on the Convict for the following reasons:

1. He has pleaded guilty and saved the Court's time and expenses of a trial.
2. The Convict is 25 years old and a father of a minor child.
3. His state of mind is not normal as concluded by the medical report.
4. The Convict is a bright person and was a very bright student until he started suffering from the psychological conditions stated on the report.

[6] On the aggravating side however I find that:

1. The Convict is already serving a prison Sentence of 4 years for causing grievous harm.
2. Another person, Roy Philoe has lost his life as a result of the Convict's action.
3. The use of the knife, an offensive weapon to cause injury to the deceased resulting his death is a serious issue.

[7] I am guided by the case of *Neddy Labrosse vs Republic, (Criminal Appeal SCA 34/2015) [2017] SCCA 26* where the Appellant was diagnosed with similar condition to the Convict in this case was found guilty of murder by a jury but the Court of Appeal

reduced the conviction to manslaughter with a Sentence of 5 years imprisonment. Several other cases have been perused in respect of Sentencing tendencies. I will refer to the case of Republic vs Donald Hoareau 1982 Seychelles law Report, also similar situation and the Convict was sentenced to 5 years 6 months imprisonment for manslaughter. The case of Norcy Dick CO 04 of 1995 where the Convicted was also convicted of manslaughter, he was sentenced to 7 years.

[8] Considering the above I impose a Sentence of 5 years imprisonment on the Convict. However I do not agree with the submission of learned counsel for the Convict for the Sentence to run concurrent with the Sentence the convict is now serving in view that the two offences involved violence resulting in injuries.

[9] I Order that the Sentence shall run consecutive to the Sentence the Convict is now serving but he shall be entitled to remission and the time he spent on remand for this case shall form part of the Sentence.

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

Signed, dated and delivered at Ile du Port 24 January 2019.

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Dodin J