

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO07/2018

[2019] SCSC 56

THE REPUBLIC

versus

JEMY GILL ETIENNE

Accused

Heard: 1 February 2019

Counsel: Mr. Hemanth Kumar, Assistant Principal State Counsel for the Republic
Mr. Clifford Andre Attorney at Law for the accused

Delivered: 1 February 2019

SENTENCE

Burhan J

[1] I have considered the plea in mitigation made by Learned Counsel, the fact that the convict is 48 years of age, has 3 children and recently yesterday the fourth child has been born. I also note the fact that the prosecution admits that the convict has no previous convictions.

[2] The convict has pleaded guilty to the possession of a quantity of Class B drugs. In terms of Section 47 (4) of the Misuse of Drugs Act 2016, reads as follows:

“In sentencing a person convicted of an offence under section 8 of this act, the court shall not impose a sentence of imprisonment unless satisfied that a noncustodial sentence is inappropriate in all the circumstances.”

[3] The offence of which the convict has pleaded guilty comes under Section 8 (1) of the Misuse of Drugs Act 2016, therefore, this particular section is applicable.

[4] I have considered the fact that the accused has pleaded guilty thereby expressing remorse and regret. I also have noted that this case commenced on the 18th of January 2018 and has not been concluded within the period of 1 year, therefore, the plea made by Learned Counsel has greatly assisted court in saving time and concluding the matter as early as possible.

[5] I also draw reference to the case of Pascal Fostel v The Republic where the Seychelles Court of Appeal held that in the event of a case being delayed, and the accused pleading guilty, court should take that into consideration at the time of sentencing or even if the accused is found guilty, due to the delay factor, the court should take that particular aspect into consideration at the time of sentencing.

[6] For the aforementioned reasons, I proceed to sentence the convict as follows:

- a) The convict is sentenced to a term of 18 months imprisonment which I proceed to suspend for a period of 2 years. (the nature of suspended sentence is explained to the convict)
- b) In addition, considering the large quantity of Cannabis, I proceed to impose a fine of SR15,000/- in default of which the convict will serve a term of 6 months imprisonment.
- c) The fine is to be paid on a monthly basis of SR5000/- commencing on 25th of February 2019.
- d) As the prosecution withdraws count 2, the convict is discharged of count 2.

[7] Right of appeal explained to the convict.

Signed, dated and delivered at Ile du Port on 1 February 2019



M Burhan

Judge of the Supreme Court

