

SUPREME COURT OF SEYCHELLES

Reportable
[2019] SCSC 199
CO16/2018

In the matter between

THE REPUBLIC
(rep. by Joji John)

Applicant

and

DENNIS HOAREAU
(rep. by Joel Camille)

Accused

Neutral Citation: *The Republic v Dennis Hoareau* (CO16/2018) [2019] SCSC 199 (15 March 2019).

Before: Dodin J

Summary: Trafficking and Possession of drugs - Guilty Pleas - Minimum sentences for 1st offender.

Heard: 15 March 2019

Delivered: 15 March 2019

ORDER

Trafficking in small amount of heroin (Diamorphine) 1 year suspended for 3, plus fine of Rs10000.

Trafficking in small amount of Cannabis herbal material-Sentence Rs10000.

Possession of minute amount of Cannabis resin-sentence Rs2000.

SENTENCE

DODIN J

1. I have heard Counsel in mitigation. The convict is 26-year-old man, has one dependent child of six years old. He has pleaded guilty and he has saved the Court's time and expenses of a trial.

2. As regards to the amount of drugs for all three counts, they are on the low side although the first count being a class A drug with only 37% purity, the net weight is under 2 grams. For count two and three, they are class B drugs and not any big amount.
3. Having considered all the other circumstances I can see no aggravating factors in this case. So I do not find any reason to commit the accused to imprisonment at this stage.
4. He is a first offender.
5. I will impose the following sentences on the convict;
 - i. For the first count I impose a sentence of one-year imprisonment which I shall suspend for three years with the condition that he does not commit any similar offense for a period of three years otherwise the sentence of one year will be activated. I impose also a fine of Ten Thousand Rupees for the first count.
 - ii. The second count I impose a fine of Ten Thousand Rupees only.
 - iii. On the third count, I impose a fine of Two Thousand Rupees.
6. I will give the convict 6 months from his release for the term of imprisonment that he is currently serving to pay his fines.
7. He can appeal against the sentences within 30 working days.

Signed, dated and delivered at Ile du Port on 15 March 2019

Dodin J