

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2019] SCSC 695  
CO74/2018

In the matter between:

**THE REPUBLIC**  
*(rep. by Ananth Subramaniam)*

**Republic**

and

**ROBIN BENJAMIN HOAREAU**  
*(rep. by Anthony Juliette)*

**Accused**

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**Before:** Burhan J  
**Heard:** 22 July 2019  
**Delivered:** 13 August 2019

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**SENTENCE**

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**BURHAN J**

The convict Robin Hoareau was convicted of the following offences on his own plea of guilt.

**Count 1**

Trafficking in quantity of 82.12 grams (pure 48.24 grams) of Heroin.

**Count 2**

Possession of a quantity 1.49 grams of Heroin

**Count 3**

Trafficking in a quantity of 49.18 grams of Cannabis Resin.

**Count 4**

Possession of a quantity of 16.3 grams of Cannabis.

- [1] At the request of Learned Counsel for the convict, a probation report was called and thereafter Learned Counsel made a plea in mitigation on his behalf. I have considered the facts contained in the probation report and the plea in mitigation made by Learned Counsel.
- [2] The convict according to the report is 41 years of age. He has a 6 year old son. The accused was earlier employed as cleaner, boat boy and worked in a cleaning business. It appears from the probation report he is a drug user as well and the drugs were for his personal consumption. Learned Counsel pleaded in mitigation for leniency in imposing a sentence on the convict.
- [3] On the facts before Court, I am satisfied that the convict has expressed remorse and regret at the incident by pleading guilty at the very outset of the case, thereby expecting leniency from Court. He is a first offender and expresses his intention to reform himself by obtaining specialised help.
- [4] I have considered all the aforementioned factors in mitigation together with the serious nature of the offence and the fact that the charge is in respect of a trafficking of a Class A controlled drug and the pure quantity 48.24 grams of Heroin.. The recommended sentence is from 5 to 8 years for a quantity of 10 to 50 grams. I am of the view a custodial term of imprisonment must be given as the convict is not a first offender. I proceed to sentence the convict giving due consideration to his immediate plea of guilty as mentioned to him during the plea and directions hearing and the fact that he is a drug user who has expressed his intention to reform himself.
- 1) On Count 1 to a term of 4 years imprisonment and a fine of SCR 25,000/- (twenty Five thousand rupees). In default of payment of the fine of SR 25, 000/-, the convict is to serve a term of 6 months imprisonment which would be consecutive to the term of 4 years imprisonment imposed in this case.
  - 2) On Count 2 to a term of 12 months imprisonment.
  - 3) On Count 3 to a term of 6 months imprisonment

4) On Count 4 to a term of 3 months imprisonment.

[5] I make further order that the terms of imprisonment imposed in Count 1 four years and Count 2 twelve months, Count 3 six months and Count 4 3 months run concurrently. Time spent in remand to count towards sentence. The convict is entitled to remission as he has pleaded guilty, at the discretion of the Superintendent of Prisons.

[6] This Court makes further order that the sentence in this case be consecutive to the sentence of 2 years imposed in case number SCSC CO 10/2019.

Signed, dated and delivered at Ile du Port on 13 August 2019.

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M Burhan J