

**SUPREME COURT OF SEYCHELLES**

---

**Reportable**

[2019] SCSC 694  
CO10/2019

In the matter between:

**THE REPUBLIC**

*(rep. by Joji John)*

**Republic**

and

**ROBIN BENJAMIN HOAREAU**

*(rep. by Anthony Juliette)*

**Accused**

---

<b>Before:</b>	Burhan J
<b>Heard:</b>	22 July 2019
<b>Delivered:</b>	13 August 2019

---

**SENTENCE**

---

**BURHAN J**

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

**Count 1**

Trafficking in quantity of 15.8 grams (pure 8.85 grams) of Heroin.

**Count 2**

Possession of a quantity Cannabis Resin 4.28 grams

[2] 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.

[3] 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.

[4] 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.

[5] I have considered all the aforementioned factors in mitigation together with the serious nature of the charge and the fact that the charge is in respect of a trafficking of a Class A controlled drug and the pure quantity 8.85 grams . The recommended sentence is from 2 to 5 years for a quantity of 2 to 10 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 2 years imprisonment and a fine of SCR 10,000/- (ten thousand rupees). In default of payment of the fine of SR 10,000/-, the convict is to serve a term of 3 months imprisonment which would be consecutive to the term of 2 years imprisonment imposed in this case.

2) On Count 2 to a term of 1 month imprisonment.

[6] I make further order that the terms of imprisonment imposed in Count 1 two years and Count 2 one month, run concurrently. Time spent in remand to count towards sentence. The convict is entitled to remission as he has pleaded guilty, however at the discretion of the Superintendent of Prisons.

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

---

M Burhan J