

SUPREME COURT OF SEYCHELLES

Reportable

[2019] SCSC 693
CO04/2019

In the matter between:

THE REPUBLIC
(rep. by George Thachett)

Republic

and

JOLENE CHARLES LEGAIE
(rep. by Anthony Juliette)

Accused

Before: Burhan J
Heard: 06 August 2019
Delivered: 13 August 2019

SENTENCE

BURHAN J

[1] The convict Jolene Charles Legaie was convicted of the following offences on his own plea of guilt.

Count 1

Trafficking in quantity of 100.21 grams (pure 61.09 grams) of Heroin.

Count 2

Possession of a quantity 0.41 grams of heroin.

Count 3

Possession of a quantity of 16.37 grams of Cannabis Herbal material.

Count 4

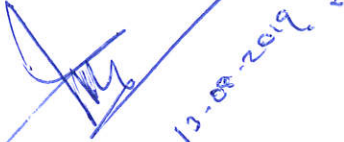
Possession of a quantity of 0.24 grams of Cannabis Resin.

- [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 36 years of age. He has a 4 year old son. The accused was earlier employed as a shift operator at PUC for 10 years. He is at present self-employed in the construction business. It appears from the probation report he is a drug user as well. Learned Counsel pleaded in mitigation for leniency in imposing a sentence on the convict. It appears from the probation report that during his remand he has undergone detox treatment and now undertakes to lead a drug free life.
- [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.
- [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 being 61.09 grams. The recommended sentence is from 8 to 12 years for a quantity of 50 to 100 grams. I am of the view a custodial term of imprisonment must be given. I proceed to sentence the convict as follows giving due consideration to his immediate plea of guilty as mentioned to him during the plea and directions hearing and also to the fact that he is a drug user and a first offender who has expressed his intention to reform himself.
- 1) On Count 1 to a term of 4 (four) years imprisonment and a fine of SCR 25,000/- (twenty 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 3 months imprisonment.
 - 3) On Count 3 to a term of 1 month imprisonment.

4) On count 4 to a term of 2 weeks imprisonment.

[6] I make further order that the terms of imprisonment imposed in Count 1 four years, Count 2, three months, Count 3 one month and count 4 two weeks, to 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.

A handwritten signature in blue ink, appearing to be 'M Burhan J', is written over a horizontal line. To the right of the signature, the date '13-08-2019' is written in blue ink.

M Burhan J