

# SUPREME COURT OF SEYCHELLES

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**Reportable**  
[2019] SCSC 930  
CO69/2018

In the matter between:

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

**Republic**

and

**GRETEL POOL**  
(rep. by Clifford Andre)

**Accused**

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**Neutral Citation:** *Republic v Pool* (CO69/2018) [2019] SCSC 930 (25 October 2019).  
**Before:** Burhan J  
**Heard:** [18<sup>th</sup> October 2019]  
**Delivered:** [25 October 2019]

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## SENTENCE

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**Burhan J,**

- [1] The convict Gretel Pool pleaded guilty to the charge of importation of 2673.1 grams of Cannabis Herbal materials and to the charge of agreeing to or conspiracy to import same.
- [2] At the request of learned Counsel for the convict Mr. Clifford Andre, 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. The convict according to the report is 37 years of age. She is the mother of twins aged 8 years. It is clear from the probation report that the convict is a well-educated person who runs a private business of her own in which she is a director.
- [3] On the facts before Court, I am satisfied that the convict has expressed remorse and regret at the incident by pleading guilty, thereby expecting leniency from Court. She is a first offender. Even the probation report refers to the fact that the convict has expressed remorse

during her interview and even stated that the convict wished she could turn back time and undo her wrongs. She has stated that she had got involved in the drug business in a moment of weakness as her company had got into debt and she had to pay heavy loan instalments.

[4] I have considered all the aforementioned factors in mitigation together with the serious nature of the charges and the fact that the charges are in respect of importation of a Class B controlled drug the quantity being 2673.1 grams. It is to be borne in mind that the charge of importation is very serious and the quantity involved aggravates the nature of the offence as it is over 1500 grams. On considering the facts of this case, I am of the view a custodial term of imprisonment must be given. Giving due consideration to her plea of guilt, even though the case was part-heard at the time of plea, yet it has saved the precious time of Court.

[5] Having considered the family circumstances of the convict and the facts set out in the plea of mitigation, the probation report and the facts contained in paragraph [3] and [4] herein and at the same time the seriousness of the offence and the implications this offence has on society especially the younger generation, I proceed to sentence the convict as follows:

- 1) On Count 1, to a term of five 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 five years imprisonment imposed in this case.
- 2) On Count 2 to a term of five years imprisonment.

Both five year terms of imprisonment in Counts 1 and 2 to run concurrently.

[6] Due to the aggravated nature of the offence the convict will NOT be entitled to remission ~~due to the aggravated nature of the offence.~~ Time spent in remand to Count towards sentence.

[7] Copy of this sentence to be annexed to warrant of commitment.

Signed, dated and delivered at Ile du Port on 25 October 2019.



M Burhan J

