

SUPREME COURT OF SEYCHELLES

Reportable

[2019] SCSC ...

CO 11/2019

In the matter between

THE REPUBLIC

(rep. by Langsinglu Rongmei)

and

GERALDINE JUMAYE

(rep. by Nichol Gabriel)

Accused

Neutral Citation: *Republic v Jumaye* (CO 11/2019) [2019] SCSC

04 November 2019

Before: Twomey CJ

Summary: manslaughter – guilty plea – mitigation - sentence

Heard: 04 November 2019

Delivered: 04 November 2019

ORDER

The accused is sentenced to six years imprisonment.

SENTENCE

TWOMEY CJ

[1] The convict, Geraldine Jumaye has been convicted on her own guilty plea on one count of manslaughter contrary to Section 192 of the Penal Code and punishable under Section 195 of the Penal Code.

[2] The brief facts of the case are that on the 22 January 2019 at about 20.34 a call was received by the Central Police Station in which their assistance was sought at the residence of Jimmy Laurence at Dan Koko, Saint Louis. Arriving at the scene they found

Jimmy Laurence lying in the bedroom of his house. His partner, the convict was met at the scene and upon questioning informed the police that he had committed suicide. She was arrested as a suspect and elected to give a statement in which she confessed to committing the offence. The investigation discovered that the deceased and the accused shared a flat at Saint Louis and that they had an argument after consuming alcohol with regard to a phone call the deceased had received from another woman. The argument led to the deceased packing the convict's things and asking her to leave the flat. The argument continued in the bedroom and at one point the convict proceeded to the kitchen, obtained a knife and stabbed the deceased in the neck. She then sought the assistance of neighbors and threw the knife into the car park.

- [3] The knife was recovered and the convict charged with murder. This was later amended to the charge of manslaughter to which she has pleaded guilty.
- [4] A probation report carried out on order of the court on the convict relates the convict's version of events. She states that that the deceased was an alcoholic and that this caused many problems in their relationship. She endured insults, swearing, loud music and physical abuse at his hands. She sometimes had to sleep outside as he would lock her out of the house. He would always then apologise. On the day of the incident she admitted that they had both consumed alcohol. They had an argument and he started smashing up her belongings and then physically attacked her. She managed to escape from the bedroom but could not get out of the house as the door was locked. She ran into the kitchen to get a knife to defend herself as he continued to attack her. They struggled with the knife and she accidentally harmed him.
- [5] She states that she loved him very much and would not intentionally harm him. She would wish to turn back the clock. She has asked for forgiveness from his family and is asking for clemency of the court.
- [6] Other family members of the convict and the deceased state that the convict herself has a propensity for alcoholism which has led to domestic violence in the household.

[7] Learned counsel for the convict moved the Court in mitigation to impose a lenient sentence on the convict for the following reasons:

(1) She has pleaded guilty and saved the Court's time and expenses of a trial.

(2) She is 49 years old and the mother of several children.

(3) The incident happened while both the deceased and she were intoxicated.

(4) She is extremely remorseful.

[8] Upon questioning the convict in relation to her alcoholism, I found a certain reservation on her part to accept that this was a serious problem. She preferred instead to explain to the court that she has several medical ailments. A man has lost his life and self realisation of her own alcoholism would be a major favor in her rehabilitation. The use of a knife, an offensive weapon to injure the deceased is a very serious issue.

[9] I am guided by previous cases in deciding an appropriate sentence in this case – (*R v Sirame* CO 44/2018) [2019] SCSC 38 (24 January 2019) in which a term of 5 years imprisonment was imposed on the convict, *Labrosse v R* (SCA 27/2013) [2016] SCCA 35 (09 December 2016) where similarly a sentence of five years was imposed, *R v Norcy Dick* CO 04 of 1995 (7 years) and *R v Jumaye* CR SCA NO. 8 of 2011) [2014] SCCA 26 (14 August 2014 (15 years).

[10] Considering the circumstances and the above authorities I find that a sentence of six years would be appropriate in the circumstances. I therefore impose a sentence of 6 years imprisonment on the convict. She shall be entitled to remission and the time she has spent on remand for this case shall form part of the sentence of imprisonment.

[11] She can appeal against the sentence within 30 working days of this judgment.

Signed, dated and delivered at Ile du Port on 4 November 2019

Twomey CJ