

**SUPREME COURT OF SEYCHELLES HELD AT ILE DU PORT**

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**Reportable**

[2019] SCSC 978

CO59/2018

In the matter between:

**THE REPUBLIC**

*(rep. by Hemanth Kumar)*

**REPUBLIC**

and

**BRIAN BERNARD RAVIGNA**

*(rep. by Olivier Chang-Leng)*

**ACCUSED**

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**Neutral Citation:** *The Republic v Brian Bernard Ravigna* (CO59/2018) [2019] SCSC 978 (11 November 2019).

**Before:** Dodin J

**Summary:**

**Heard:** 11 November 2019

**Delivered:** 11 November 2019

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**SENTENCE**

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**DODIN J**

[1] The convict Brian Bernard Ravigna stands convicted of one count of causing death by negligent driving contrary to Section 24 (1) (b) of the Road Transport Act.

[2] The maximum sentence provided by law for such offence is 2 years imprisonment and/or a fine of up to SCR10,000.

[3] The facts pertinent to the offence are well rehearsed in the judgement delivered by the Court on the 26<sup>th</sup> September 2019. Suffice to state that on the 1<sup>st</sup> August 2018, the

convict caused the death of Rhys Abraham Sinon by driving motor vehicle, registration number S2108 on the road negligently.

[4] Learned Counsel for the convict moved the Court in mitigation to impose a lenient and non-custodial sentence on the convict and relied in the cases of Republic v Stravens C.28/2013 and Republic v Edmond CR66/2013.

[5] The convict is 43 years old and the father of 3 children, the eldest being 19 years old and the youngest 1 ½ years old. One child of 16 years old very recently passed away. The convict lives with his partner in a stable relationship. Learned Counsel submitted further that the convict is remorseful and had no intention to cause the death of the victim and regrets the error of judgment. The convict is a first offender.

[6] I have considered the submission of Learned Counsel in mitigation and also studied the Probation Services Report prior to sentencing.

[7] With reference to the cases of Republic v Stravens and Republic v Edmond (supra) where non-custodial sentences were given there were distinct factors that led to the imposition of non-custodial sentences.

[8] In the case of Republic v Stravens, the convict offered to plead guilty to the offence of causing death by dangerous driving at the first opportunity but the Attorney General (Republic) refused to preferred that alternative charge for which the convict was later found guilty. Hence this sentence was based on the principle that he gets credit for pleading guilty at the earliest opportunity.

[9] In the case of Republic v Edmond, although the convict did not plead guilty, consideration was given to his age and infirmity noting that he was undergoing surgery at the time.

[10] In this case, the convict maintained his innocence throughout, even after conviction as per the Probation Services Report.

[11] Hence in addition to the consideration of the factors that are favourable to the convict, the Court must also consider the aggravating factors which includes the fact that a young man lost his life which also resulted in trauma and anguish for the deceased family.

[12] Having considered all the above, I impose the following sentence on the convict:

- (a) I sentence the convict to 1 year imprisonment.
- (b) I further suspend the convict's driving license for a period of 2 years with effect from today.
- (c) The convict is entitled to remission.
- (d) Any time he may have spent on remand shall form part of the sentence.

[13] Appeal against both conviction and sentence within 30 working days of today.

Signed, dated and delivered at Ile du Port on 11 November 2019

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Dodin J