

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2019] SCSC  
CO04/2018

In the matter between:

**THE REPUBLIC**  
*(rep. by Lansinglu Rongmei)*

**Republic**

and

**TREVOR MATHIOT**  
*(rep. by Alexia Amesbury)*

**Accused**

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**Before:** Burhan J  
**Heard:** [18 November 2019]  
**Delivered:** [2<sup>nd</sup> December 2019]

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**SENTENCE**

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**BURHAN J**

[1] The convict Trevor Mathiot was found guilty of the charge of Robbery with violence section 281 of Penal Code (Count 1) and Unlawful wounding section 224 of Penal Code (Count 2). A convict is liable to a term of life imprisonment on Count 1 and liable to a maximum term of 7 years imprisonment on Count 2.

[2] At the request of learned Counsel for the convict Mrs Alexia Amesbury, 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 25 years of age. He has been working in the Public Utilities Corporation (PUC) for the past 6 years as a

maintenance technician. It appears from the probation report that the convict denied the incident but admits he is drug dependent.

[3] It further appears from the report that the incident has had an adverse psychological effect on the victim and lasting back pain after the injury she sustained during the incident. It is apparent from the report and evidence that the victim knew the convict and had helped him in getting into a drug rehabilitation program.

[4] Learned Counsel for the convict relied on several cases to support her contention that a first offender should not be sentenced to imprisonment. She stated that courts would be slow to sentence first offenders to imprisonment having considered the family circumstances of a convict and in the absence of aggravating circumstances. She also stated that attempts should be made to rehabilitate him as he is drug dependent.

[5] I have considered all the aforementioned facts in mitigation together with the serious nature of the charges. On considering the facts of this case, it is apparent that in addition to the serious nature of the offences, aggravating circumstances exist as the robbery occurred in furtherance to a house breaking that occurred in the dead of night and the ensuing struggle between the victim and the convict resulted in injuries to the victim. I am of therefore of the view that a custodial term of imprisonment must be given. Further the record bears out the fact that attempts have been made to rehabilitate the convict but have failed as borne out by the evidence of his own mother.

[6] Having considered the circumstances of the convict and the facts set out in the plea of mitigation, the fact he is drug dependent and the other facts set out in the probation report together with that contained in paragraph [5] herein, I proceed to sentence the convict as follows:

- 1) On Count 1, to a term of three years imprisonment.
- 2) On Count 2 to a term of 1 year imprisonment.

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

- [7] In addition to the term of three years imprisonment on Count 1, I proceed to impose a fine of SCR 10,000/- (ten thousand) on the convict. A sum of SCR 7,500/= to be paid to the victim as compensation from the said fine in terms of section 151 of the Criminal Procedure Code. In default of payment of fine the convict to serve a term of six months imprisonment consecutive to the other terms of imprisonment imposed.
- [8] During his period of imprisonment, the convict is to attend a drug rehabilitation program if available. Time spent in remand to count towards sentence.
- [9] Right of appeal explained.

Signed, dated and delivered at Ile du Port on 2<sup>nd</sup> December 2019.

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M Burhan J