

IN THE SUPREME COURT OF SEYCHELLES

---

Reportable  
[2019] SCSC 1103  
CR 62/2019

**REPUBLIC**  
(rep by Ananth Subramanian)

**Prosecution**

and

**VANIAN RICHIE AZEMIA**  
(rep. by Clifford Andre)

**Accused**

---

**Neutral Citation:** *Republic v Vanian Richie Labiche* CR 62 of 2019 delivered on 11 December 2019

**Before:** **Vidot J**

**Summary:** trafficking and possession of a controlled drug with intent to traffic

**Heard:** 07 November 2019

**Delivered:** 11 December 2019

---

**ORDER**

Count 1 to a term of 4 years and 6 months imprisonment

Count 2 to a term 2 years imprisonment

Count 3 to a term of 3 months imprisonment

---

**SENTENCE**

---

**VIDOT J**

[1] The Accused was charged and convicted of the following offences on his own guilty plea;

Count 1

### **Statement of offence**

Trafficking, in controlled drug, namely heroin (Diamorphine), contrary to Section 9(1) read with Section 19(1)(c), and punishable under Section 7 (1) of the Second Schedule of the Misuse of Drugs (Cap 133).

### **Particulars of Offence**

Vanian Richie Azemia, of Pointe Larue, Mahe, on the 09<sup>th</sup> October 2019 at around 20:30hrs, at his residence in Pointe Larue was found to be in possession of multiple packets/containers containing a controlled drug, namely heroin (Diamorphine) having an aggregate total weight of 358.6g with an average purity of 54% (heroin content of 194.36g), giving rise to the presumption of having possessed of the said controlled substance with the intent to traffic in the said drug.

Count 2

### **Statement of Offence**

Trafficking, in controlled drug, namely cannabis resin, contrary to Section 9(1) read with Section 19(1)(d), and punishable under Section 7 (1) of the Second Schedule of the Misuse of Drugs (Cap 133).

### **Particulars of Offence**

Vanian Richie Azemia, of Pointe Larue, Mahe, on the 09<sup>th</sup> October 2019 at around 20:30hrs, at his residence in Pointe Larue was found to be in possession of multiple packets/containers containing a controlled drug, namely cannabis resin, having an aggregate total weight of 923.19g, giving rise to the presumption of having possessed of the said controlled substance with the intent to traffic in the said drug

Count 3

**Statement Of Offence**

Trafficking, in controlled drug, namely cannabis herbal material, contrary to Section 9(1) read with Section 19(1)(d), and punishable under Section 7 (1) of the Second Schedule of the Misuse of Drugs (Cap 133).

**Particulars of Offence**

Vanian Richie Azemia, of Pointe Larue, Mahe, on the 09<sup>th</sup> October 2019 at around 20:30hrs, at his residence in Pointe Larue was found to be in possession of multiple packets/containers containing a controlled drug, namely cannabis herbal material, having an aggregate total weight of 38.41g, giving rise to the presumption of having possessed of the said controlled substance with the intent to traffic in the said drug

- [2] The Accused is a first time offender. He is still very young and has always been in employment though he did not seem to stay in one employment for a long time. That could be because he was trying to find something better and that would provide him with a better income. He has 2 children, one who was until his arrest living with him and the other in Reunion with his mother. He says that he maintains both his children.
- [3] The Accused admitted to smoking hashish and chewing marijuana. In the pre-sentence report he admitted to having seen someone hiding the bag that contained the drugs and he later took it. At that time his intention was to sell the drugs.
- [4] In mitigation his Counsel has pleaded for leniency considering that the Accused pleaded guilty thereby saving the Court's precious time. This shows that he is remorseful. He referred to the case of **Republic v Marcus Asman CR No.15 of 2019** in which the Accused was found trafficking in mostly a similar amount of heroin.
- [5] **Blackstone,s Criminal Practice** (2012) paragraph E 12 P 2148, argued that a guilty plea would in effect earn an accused a reduction in sentence as it saves time of the court and

reduces considerable cost and in case of an early plea, also saves inconvenience of victims and witnesses to give evidence before Court, a furthermore that “ *a reduction should be a proportion to the total sentence imposed calculated by reference to the circumstances in which the guilty plea was indicated, in particular at what stage of the proceedings.*” A guilty plea normally affords a credit of one third of the sentence that the court would have otherwise be imposed.

- [6] I also bear in mind that the classic principle of sentencing is deterrence, prevention, rehabilitation, reformation and retribution; vide **Lawrence & Another v Republic [1990] SLR 47**. I also take into consideration the principle of totality and proportionality of sentence.
- [7] However, drugs especially the traffic and use of heroin is a major problem in Seychelles. It is destructive to those who are using it and as a result has become a problem of mammoth proportion and it is costing the state enormously, not only in monetary terms but in the rise in crime and the area of employment.
- [8] I have taken into consideration all matters in mitigation. In particular I take into consideration his age and he has until now been on the good side of the law. I also take into account his guilty plea and the fact that he co-operated with the police.
- [9] Therefore I sentence the Accused as follows;
- (i) On count 1 to a term of 4 years and 6 months imprisonment
  - (ii) On count 2 to a term 2 years imprisonment
  - (iii) On count 3 to a term of 3 months imprisonment
- [10] The sentences are to run concurrently.
- [11] Any time spent on remand shall be discounted against the sentence and the Accused shall be entitled to remission.

[12] The Accused has a right of Appeal against conviction and sentence within 30 working days from today.

Signed, dated and delivered at Ile du Port 11<sup>th</sup> December 2019

  
Vidot J