

IN THE SUPREME COURT OF SEYCHELLES

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Reportable

[2020] SCSC 57

CR 76/2019

**REPUBLIC**

*(rep by Evelyne Almeida)*

**Prosecution**

and

**LEWIS MICHEL LEON**

*(rep. by France Bonte)*

**Accused**

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**Neutral Citation:** *R v Leon* (CR 76/2019) [2020] SCSC 57 (27 January 2020)

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

**Summary:** Possession of a controlled drug contrary to section 8(1) of the Misuse of Drugs Act 2016

**Heard:** 24<sup>th</sup> January 2020

**Delivered:** 27<sup>th</sup> January 2020

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**SENTENCE**

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**VIDOT J**

[1] The Accused was charged with the following offences;

Count 1

**Statement of offence**

Trafficking in a controlled drug having been found in unlawful possession of a controlled drug with intent to traffic, contrary to section 9(1) as read with section 9(1)(d)(i) of the Misuse of Drugs Act, 2016 section 8(1) and punishable under section 7 (1) as read with the Second Schedule of the said Act.

### **Particulars of Offence**

Lewis Michel Leon, residing at Anse Boileau, on the 11<sup>th</sup> day of December 2018, at Anse Boileau, Mahe was trafficking in a controlled drug, by virtue of having been found in unlawful possession of a controlled drug, namely cannabis (herbal material) with a net weight of 28.1 grams which gives rise to the rebuttable presumption of having possession of the said controlled drug with intent to traffic.

### **Count 2 (Alternative to Count 1)**

#### **Statement of Offence**

Possession of a controlled drug contrary to section 8(1) of the Misuse of Drugs act 2016 and punishable under the Second Schedule of the Misuse of Drugs Act 2016

#### **Particulars of Offence**

Lewis Michel Leon, residing at Anse Boileau, on the 11<sup>th</sup> day of December 2018, at Anse Boileau, Mahe, was been found in unlawful possession of a controlled drug, namely cannabis (herbal material) amounting to a net weight of 28.1

[2] He pleaded guilty to the alternative count and was accordingly convicted. Therefore the first count shall be left on file.

[3] In mitigation Counsel for the Accused pleaded for leniency from court when meting out the sentence. The Accused is a first time offender. He is 52 years old and has pleaded guilty on the first opportunity. He has shown remorse and until he committed this offence has been on the good side of the law.

- [4] I have taken into consideration all matters in mitigation. In particular I take into consideration his age and his guilty plea.
- [5] I have also considered that in meting out sentence, the Court has to bear in mind that classic principle of sentencing is deterrence, prevention, rehabilitation, reformation and retribution; see **Lawrence v Republic [1990]SLR 47**. I also bear in mind the principle of proportionality of sentence.
- [6] However, a guilty plea saves the court's precious time and the Accused should earn credit for that and obtain discount from the sentence that would have otherwise been imposed if the case had proceeded though full trial. In **R v Buffery 14 Cr. App. R. (S) 511CA**, Lord Taylor CJ stated that there was no absolute rule as to what the discount should be, but as general guidance, the Court believed that something of the order of one third would be an appropriate discount. **Blackstone's Criminal Practice (2012), paragraph E.12 p2148** provided 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, saves inconvenience of witnesses to give evidence before Court, and therefore that "*reduction should be a proportion to the total sentence imposed calculated by references in which the guilty plea was indicated, especially at what stage in the proceedings.*"
- [7] Therefore I sentence the Accused to a term of 6 months imprisonment suspended for 2 years and to a fine of SR 10,000.00 payable on or before the 15<sup>th</sup> May 2020 and in default to a term of 6 months imprisonment.

Signed, dated and delivered at Ile du Port 27<sup>th</sup> January 2020

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Vidot J