

SUPREME COURT OF SEYCHELLES

Reportable
[2020] SCSC
CO56/2019

In the matter between:

THE REPUBLIC
(rep. by Esha Benoiton)

Prosecution

and

DARREL LABICHE
(rep. by Alexia Amesbury)

Convict

Before: Burhan J
Heard: [27 January 2020]
Delivered: [07 February 2020]

SENTENCE

BURHAN J

[1] The aforementioned convict in this case has been convicted on his own plea of guilt on Count 1 which reads as follows:

Importation of a controlled drug, contrary to and punishable under section 5 read with the second schedule of the Misuse of Drugs Act 2016.

[2] The controlled drug referred to in Count 1 is a Class A controlled drug namely Cocaine having a net weight of 167.80 grams with a purity content of 24.65 grams.

[3] 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 behalf of

the convict. I have considered the facts contained in the probation report and the plea in mitigation.

- [4] According to the report, the convict is 32 years of age. He has furthered his education after secondary school in the field of refrigeration. He has worked as a refrigeration technician at Cool Plus and Unique Refrigeration. Prior to being remanded he was a self-employed cleaning contractor and he was trying to get the business on his feet.
- [5] The convict has explained to the officers of the probation that he had brought the controlled drug into the Seychelles for the treatment of his mother who was suffering from a terminal disease in order to relieve her pain. He has stated that his mother had passed away in September 2019. He is the father of an eleven year old son and a five month year old daughter.
- [6] Learned Counsel for the convict's plea in mitigation, is based strongly on the on the above mentioned circumstances too and the hardships faced by the family after the passing away of the convict's mother and the taking into custody and the incarceration of the convict. Having considered the aforementioned facts, I am of the view that the convict has expressed remorse and regret at what he has done and saved the time of Court. These are strong factors in mitigation. The convict has a spent previous conviction over 5 years ago and is being treated as a first offender. However considering the serious nature of the charge and the fact that the controlled drug is a Class A drug, I am of the view that a custodial term of imprisonment should be imposed.
- [7] In usual circumstances had the convict gone to trial and been convicted, he would have been sentenced to a term of 9 years imprisonment. However having considered his early plea of guilt and the factors mentioned in his mitigation plea, a decrease in sentence is warranted. I proceed to sentence the convict Darrel Labiche to a term of five years imprisonment. I also impose a fine of SCR 25,000 (Twenty five thousand). In default of payment of fine a term of 6 months imprisonment is imposed which would run consecutively to the five year term of imprisonment.

[8] Time spent in remand to count towards sentence. Considering the pure quantity of controlled drug involved and, as I see no aggravating circumstances before me, I make order that the convict be entitled to remission, at the discretion of the Superintendent of Prisons.

[9] Copy of this order to be served on Superintendent of Prison

Signed, dated and delivered at Ile du Port on 07 February 2020

M Burhan J