

SUPREME COURT OF SEYCHELLES

Reportable
[2020] SCSC 745
CO 65/2019

In the matter between:

THE REPUBLIC
(rep. by Joshua Revera)

Republic

and

REMY JEAN QUATRE
(rep. by Nichol Gabriel)

Accused

Neutral Citation: *Republic vs Quatre* (CO 65/2019) [2020] SCSC 745 9 October 2020

Before: Burhan J

Summary: Trafficking in a controlled drug. Conditional suspended sentence imposed.

Heard: 31st August 2020

Delivered: 9th October 2020

ORDER

The convict sentenced to term of one year imprisonment. However as the convict is exhibiting a positive attitude as mentioned by the probation officer in the report filed, on condition that he attends his rehabilitation program at APDAR for a continuous period of 1 year from the date hereof i.e. 9th October 2020, I will proceed to suspend the one year term of imprisonment imposed for a period of one year. The suspended term is therefore imposed subject to the aforementioned condition under section 282 (3) of the Criminal Procedure Code.

SENTENCE

BURHAN J

[1] The convict Remy Quatre is charged with the following offence:

Count 1

Trafficking in a Controlled Drug Contrary to Section 7 (1) read with Section 19 (1) of the Misuse of Drugs Act 2016 and Punishable under Section 7 (1) as specified in the Second Schedule of the said Act. The controlled drug is 4.19 grams of heroin (pure quantity 2.38 grama).

[2] The convict pleaded guilty to the said charges without proceeding to trial.

[3] In mitigation learned Counsel Mr. Gabriel submitted that the convict had pleaded guilty without wasting the time of Court and informed court that the convict is attending a rehab program namely the APDAR rehab program. This fact is confirmed by the probation report as well. Learned Counsel moved that he be given a non- custodial sentence and that a reasonable fine be imposed on him, giving due consideration to the facts set out in the probation report. Learned Counsel also submitted that the quantity of pure heroin 2.38 grams was small and not of commercial quantity.

[4] I have considered the facts set out in the probation report. The convict is 35 years of age. The convict is admittedly a drug user. The probation report refers to the fact that the convict since February 2020 has been attending APDAR and has further stated, he is determined to give up his habit. The probation has recommended that court consider the positive attitude of the convict in attempting to rehabilitate himself.

[5] I have considered the plea in mitigation and the facts contained in the probation report. The convict is a first offender aged 35 years. He has expressed remorse and regret by pleading guilty at the very first opportunity and by doing so also saved the time of Court. I am inclined to accept the submission of learned Counsel for the convict that the quantity of controlled drug is small.

[6] However, the controlled drug in Count 1 is a Class A controlled drug. The recommended sentence for such an offence is a maximum of two to five years and a fine. As the convict has pleaded guilty he is entitled to a discount on the said sentence.

- [7] Having thus considered all the aforementioned factors in mitigation, I proceed to sentence the convict to term of one year imprisonment. However as the convict is exhibiting a positive attitude as mentioned by the probation officer in the report filed, on condition that he attends his rehabilitation program at APDAR for a continuous period of 1 year from the date hereof i.e. 9th October 2020, I will proceed to suspend the one year term of imprisonment imposed for a period of one year. The suspended term is therefore imposed subject to the aforementioned condition under section 282 (3) of the Criminal Procedure Code.
- [8] The probation office is to monitor the convict Remy Quarte during this period of one year. If the convict fails to attend the rehabilitation program, the probation officer is to immediately report this fact to this court for steps to be taken under section 283 (1) of the Criminal Procedure Code.
- [9] Copy of this order to be served on the probation office. Nature of a suspended term explained to the convict.

Signed, dated and delivered at Ile du Port on 9th October 2020



Burhan J