

IN THE SUPREMECOURT OF SEYCHELLES

Reportable
[2020] SCSC 959
CR70/2020

REPUBLIC
(rep by Ms Benoiton)

Prosecution

and

Pamela Emeé Cadeau
(rep. by Mr D Lucas)

Accused

Neutral Citation: *R v Cadeau* (CR 70/2020) [2020] SCSC 959 (10 December 2020)
Before: **Govinden CJ**
Summary: **Trafficking in a Controlled drug, namely Heroin and Trafficking in a Controlled drug, namely Cocaine contrary to Section 9(1) of the Misuse of Drugs Act 2016**
Heard: 30th November 2020
Delivered: 10th December 2020

SENTENCE

GOVINDEN C 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 namely Heroin (Diamorphine) with intent to traffic, contrary to Section 9(1) as read with Section 7 (1), 9(1)(C) of the Misuse of Drugs Act, 2016 (Act 5 2016) and punishable under section 7 (1) and the Second Schedule of the Misuse of Drugs Act , 2016..

Particulars of Offence

Pamela Emeé Cadeau of Pascal Village Mahe on the 26th day of December 2019, at Montagne Posee Prison, Mahe was trafficking in a controlled drug, by virtue of having been found in unlawful possession of a controlled drug, namely Heroin (Diamorphine) having a net weight of 9.33 containing a purity of 47 percent of Heroin content of 4.38 grams, giving rise to the rebuttable presumption of having possession of the said controlled drug with intent to traffic.

Count 2

Statement of Offence

Trafficking in a controlled drug, by virtue of being found in unlawful possession of a controlled drug namely Cocaine, with intent to traffic, contrary to Section 9 (1) read with Section 7 (1), 19 (1) (1) of the Misuse of Drugs act 2016 (Act 5 of 2016) and punishable under Section 7 (1) and the Second Schedule of the Misuse of Drugs Act 2016

Particulars of Offence

Pamela Emeé Cadeau of Pascal Village Mahe on the 26th day of December 2019, at Montagne Posee Prison, Mahe was trafficking in a controlled drug, by virtue of having been found in unlawful possession of a controlled drug, namely Cocaine having a net weight of 9.50 containing a purity of 58 percent of Cocaine content of 5.51 grams, giving rise to the rebuttable presumption of having possession of the said controlled drug with intent to traffic.

[2] She pleaded guilty to both counts and was accordingly convicted as charged.

The facts of the case as read out by the Learned State Counsel is as follows; on the 26th of December 2019 the convict was visiting her boyfriend at the Montagne Posee Prison .The officers of the Prison Services did a routine search on her in the search room. During the search two packets suspected to be controlled drugs were found in her panty. The convict was arrested. These exhibits were handed over to officers were later handed over to officers of the Anti Narcotic Bureau and later analysis proved that they contained heroin and cocaine respectively. They are the same controlled drugs that have been the subject matter of the two charges before the court in this case.

[3] In mitigation Counsel for the Accused pleaded for leniency from court when meting out the sentence. The Accused is a first time offender. She is 41 years old and has a 24 year old child. She was formerly unemployed and living of her mother's social security benefits. She is currently employed at the District Administration office of Pointe Larue. At the time of the commission of the offence she was an addict and was following the Metahadone drug replacement therapy. She has pleaded guilty to the offences and hence has saved the precious time of the court and she has in the process also shown remorse and regret what has happened.

[4] I have taken into consideration all matters in mitigation. In particular I take into consideration her age and her 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. 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.

[7] Therefore, I sentence the convict to a term of 1 year imprisonment suspended for 2 years on each counts, the terms of imprisonments are to run concurrently and to a fine of SR 5,000.00 on each count, payable on or before the 29th January 2021. In default of the payments of the fine she would serve the sentences of imprisonment. The case would be called on the 29th of January 2021 at 9am.

Signed, dated and delivered at Ile du Port 10th December 2020

R. Govinden
Chief Justice