

## SUPREME COURT OF SEYCHELLES

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**Reportable**  
[2020] SCSC 943  
CO 69/2020

In the matter between:

**THE REPUBLIC**  
(rep. by Esha Benoiton)

**Republic**

and

**STEPHAN NOURRICE**  
(rep. by Nichol Gabriel)

**Accused**

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**Neutral Citation:** *Republic vs Nourrice* (CO 69/2020) [2020] SCSC 943 (11 December 2020).  
**Before:** Burhan J  
**Summary:** Trafficking in a controlled drug namely Heroin  
**Heard:** 30<sup>th</sup> November 2020  
**Delivered:** 11 December 2020

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### ORDER

The convict Stephan Marcus Nourrice is sentenced on Count 1 to a term of twelve months imprisonment with immediate effect. Whilst serving this term of imprisonment, the convict is to attend a rehabilitation program as determined by the prison authorities in collaboration with the Agency for Prevention of Drug Abuse and Rehabilitation. (APDAR).

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### SENTENCE

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**BURHAN J**

[1] The convict Stephan Marcus Nourrice has been charged with the following offence:

Trafficking in a controlled drug, by virtue of being found in lawful possession of a controlled drug namely Heroin (Diamorphine), with intent to traffic, contrary to Section 9 (1) read with Section 7 (1) Section 19 (1) (c) 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. The controlled drug detected as borne out in the particulars of offence is 4.20 grams of Heroin having a purity content of 2.18 grams. The detection occurred on the 1<sup>st</sup> of July 2019.

- [2] The convict pleaded guilty to the aforementioned charge in this case and to the charge of possession of a controlled drug in case CO 46/2020 on the same date 12 October 2020. At the request of his learned Counsel Mr. Gabriel a probation report was called. The facts set out in the probation report are that the convict is 31 years of age. He has been doing numerous jobs on a casual basis for short periods of time which includes masonry, tree cutting and being a security officer. It is apparent from the probation report that he has served time in prison before and is having an addiction to controlled drugs.
- [3] He has stated to the probation that he wishes to fight the addiction but it appears from the facts before Court that in order to satisfy his craving for controlled drug, the convict appears to be trafficking as after being arrested on the 29<sup>th</sup> of June 2019 in case 46/2020 for being in possession of a Class A drug Heroin, he has been on the streets again on the 1<sup>st</sup> of July 2019 in the company of many others, trafficking in the same Class A controlled drug for which he has been charged in this case.
- [4] However, having considered the plea in mitigation made by learned Counsel Ms Madeleine, the fact that the convict is 31 years of age and has expressed remorse and regret by pleading guilty in both cases and that even at the last minute 3<sup>rd</sup> November 2020, he has decided to enter a rehab program at APDAR as affirmed by the probation report, I am inclined not to be too harsh on the convict, as he has pleaded guilty in two cases thereby saving the precious time of Court. However the charge in this case is trafficking which is more serious than the charge of possession as in case CO 46/2020.
- [5] Having considered the aforementioned circumstances, I proceed to sentence the convict in this case as follows:

On Count 1, the convict Stephan Marcus Nourice is sentenced to a term of twelve months imprisonment with immediate effect. Whilst serving this term of imprisonment, the convict is to attend a rehabilitation program as determined by the prison authorities in collaboration with the Agency for Prevention of Drug Abuse and Rehabilitation. (APDAR).

Signed, dated and delivered at Ile du Port on 11 December 2020

A handwritten signature in blue ink, appearing to be 'Burhan J', is written over a horizontal line. To the right of the signature, the date '11-12-2020' is written diagonally in blue ink.

Burhan J