

IN THE SUPREME COURT

Reportable

[2021] SCSC ...
CO 56/2020

In the matter between

THE REPUBLIC

(rep. by Lansinglu Rongmei)

PROSECUTION

And

VINCENT ADRIENNE

Rep. by Karen Domingue)

3RD ACCUSED

Neutral Citation: *Republic vs. SJ & Ors* (CO 56/2020) [2021] SCSC (16 December 2021)

Before: Dodin J

Heard: 16 December 2021

Delivered: 16 December 2021

SENTENCE

[1] The Convict, Vincent Adrienne, has been convicted on his own guilty pleas to 4 counts as reproduced hereunder. The names of the complainants/victims are not disclosed in this sentencing order to protect their identities and dignity. Any mention of any co-accused in this sentencing order is incidental and is not evidence against that co-accused. The charges to which the Convict has pleaded guilty and has been convicted are:

Count 23

Statement of offence

Carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose contrary to Section 152 (1) (C) of the penal code and punishable under section 152 (1) of the penal code.

Particulars of offence

Achille Marimba and Vincent Adrienne on the 26th September 2019 were carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose namely BP.

Count 24

Statement of offence

For the purpose or by way of trade or distribution to the public having in the persons possession any indecent material contrary to section 152 (1) (a) and punishable under section 152 (1) of the penal code.

Particulars of offence

Vincent Adrienne on 22nd June 2020 was found in the possession of indecent materials for the purposes or by way of trade or distribution to the public namely topless pictures of photographs of BP.

Count 45

Statement of offence

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to section 152 (1) (c) of the penal code and punishable under section 152 (1) of the penal code.

Particulars of offence

Vincent Adrienne and a person known to the Republic known as Skyler on a date in the month of September 2019 at Port Glaud, Mahe, was carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose namely JL.

Count 63

Statement of offence

Carrying or taking part in a business concerned with the making, producing, hiring, contribution to the public of indecent materials.

Particulars of offence

Vincent Adrienne and Shawn Julie on a date in the year 2019 on Praslin being a photographer carried or took part in a business concerned with the making, producing, hiring and distribution to the public of indecent materials whereby topless photographs of NA.

[2] I have heard counsel in mitigation. The convict is 23 years old, he is a first offender, he is in gainful employment at the H3 Active Gym, he has pleaded guilty, shown remorse, he has saves the courts time and expenses in the trial.

[3] As briefly stated from the facts which got him involved in the matter he believe that he was doing a legitimate photographing business and leading to him by another who has already been convicted and he corporate with the police and indicated that he did not benefit at all from any of this enterprise and for these reasons the only reason he is before the court is because this enterprise consisted of illegal activities of photographing woman and girls in the case of the convict none of the persons were under the age of 18 and he generally believe that they were given the consent for these reasons.

[4] I impose a similar sentence that I did for the case of Jean Luc Moumou, Rico Payet and Christian Laporte.

[5] Count 23 I impose a sentence of one year imprisonment suspended for two years plus a fine of SCR3000.

Count 24 I impose a sentence of one year imprisonment suspended for two years plus a fine of SCR3000.

Count 45 I impose a sentence of one year imprisonment suspended for two years plus a fine of SCR3000.

Count 63 I impose a sentence of one year imprisonment suspended for two years plus a fine each of Rs3000.

The total fine will be SCR12, 000.

[6] I give the convict 6 months to pay the fine. The convict can do so by way of instalments. The only condition attached with the sentence is that he should not commit any similar offence during the period of 2 years and also by six month he must complete payment of the fine of Rs12, 000 in default he may have to serve 6 months imprisonment.

[7] The convict may appeal against the sentence within 30 days from today.

Signed, dated and delivered at Ile du Port on 16 December 2021.

Dodin J