

IN THE SUPREME COURT OF SEYCHELLES

Reportable

[2021] SCSC 64
CR 91/2020

REPUBLIC

(rep. by Cythra Morel)

Prosecution

And

NATHALIE ANDY

(rep. by Danny Lucas)

Accused

Neutral Citation *R v Nathalie Andy (CR 91 / 2020)* [2021] SCSC 64 (18 March 2021)

Before: Vidot J

Heard: 15 March 2021

Delivered: 18 March 2021

SENTENCE

VIDOT J

[1] Nathalie Andy is charged with one count of possession with intent to traffic in a controlled drug, namely heroin contrary to section 9(1) of the Misuse of Drugs Act, 2016 and punishable to section 7 (1) of the said Misuse of Drugs Act. The particulars of the offence are that the Accused who is a resident of Petit Paris, Cascade, on the 14th March 2019, at Petit Paris was found in unlawful possession of a controlled drug having a net weight of 4.71 grams of heroin containing 2.26 grams of pure heroin (Diamorphine) with intent to traffic the said controlled drug.

[2] The Accused who is a first time offender decided to plead guilty at a very early stage of proceedings. In mitigation, her Counsel noted that the Accused has pleaded guilty and thereby showing remorse for the offence committed. She is only 24 years old and living

with family with her 2 young children. She regrets having committed the offence and begs the Court to show leniency. I shall indeed give full consideration to all matters raised in mitigation when passing sentence.

[3] A guilty plea earns an accused credit as far as sentenced is concerned. **Blackstone's Criminal Practice (2012), paragraph E.12 p2148**, argued that a guilty plea would in effect earn an accused a reduction in sentence as it saves time of the court and reduces considerable cost and in case of an early plea, also saves inconvenience of victims and witnesses to give evidence before court, and furthermore that a "*reduction should be a proportion to the total sentence imposed calculated by reference to the circumstances in which the guilty plea was indicated, in particular at what stage in the proceedings*" In this case, the guilty plea came very early in the proceedings.

[4] Therefore, in the circumstances I sentenced the Accused to 2 years imprisonment and to a fine of SR10,000.00. The prison term shall be suspended for 2 years and the Accused has until the 30th June 2021 to make full payment of the fine, in default of which the Accused shall serve a prison term of 6 months.

Signed, dated and delivered at Ile du Port/ Victoria on 18th March 2021

M Vidot J