

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC
CO93/2020

In the matter between:

THE REPUBLIC
(rep. by Joshua Revera)

Republic

And

DARIUS ROMARIO ALLY
(rep by Danny Lucas)

1st Accused

VALENTINO MICKY JEFFREY HOAREAU
(rep. by Daniel Cesar)

2nd Accused

Neutral Citation: *R v Hoareau* (CO 93/2020) [2021] SCSC 203 (10th May 2021)

Before: Burhan J

Heard: 26 April 2021

Delivered: 10th May 2021

ORDER

The convict Valentino Micky Hoareau is sentenced to a term of three years imprisonment. Whilst serving this term the convict must attend a rehabilitation and treatment program in respect of controlled drugs.

SENTENCE

BURHAN J

[1] The convict Valentino Micky Hoareau (the second accused in the case) was convicted on his own plea of guilt for the following offence:

Count 1

Robbery with violence contrary to Section 280 as read with Section 22 (a) and punishable under Section 281 of the Penal Code Cap 158.

- [2] The convict had used a small knife to threaten the complainant during the robbery and stolen SCR 6000/- in cash, four bottles of Red Label whisky valued at SCR 595/- each and one tin of Mahe cigarettes valued at SCR 1130/-.
- [3] At the request of learned Counsel for the convict Mr. Cesar, a probation report was called prior to the plea in mitigation. I will proceed to now consider the facts set out in the probation report and the plea in mitigation prior to sentencing the convict.
- [4] The convict is 23 years old and a first offender. He has been working as a labourer since leaving school. It is stated in the report that the convict has admitted that he is a drug dependent person and his criminal behaviour has been triggered by his drug dependency. It is reported that on the date of the incident, the convict had been going through withdrawal symptoms and his craving for heroin had made him commit the offence. He has used the cash from the robbery of the shop and that obtained by the selling of the stolen liquor bottles for the purchase of Heroin. The report refers to the fact that the convict earlier had undergone a rehabilitation program but has relapsed. It is also apparent from the report that there are other cases pending in the Magistrates' Court against him for the offence of breaking and entering.
- [5] The probation report recommends a deterrent punishment in that a minimum custodial term be imposed on the convict and he be made to pay compensation to the victim.
- [6] Learned counsel for the convict Mr. Cesar submitted in mitigation that the convict had pleaded guilty at the very first opportunity thereby expressing remorse and regret at the incident. He is also expecting the leniency of court and learned counsel moved for a suspended sentence to be imposed.

[7] I have considered the facts before court. The charge for which he has pleaded guilty is of a very serious nature and court cannot condone the act of the convict in breaking into premises and stealing and committing robbery, in order to satisfy his craving for controlled drugs. I am in agreement that suitable deterrent punishment must be given. However at the same time consideration must be given to the age and other mitigating factors set out above. I proceed to sentence the convict; Valentino Micky Hoareau to a term of three years imprisonment. Whilst serving his term the convict must attend a rehabilitation and treatment program in respect of controlled drugs.

[8] Time spent in remand to count towards sentence. The convict is entitled for remission at the discretion of the Superintendent of Prisons.

Signed, dated and delivered at Ile du Port on 10th May 2021.

M Burhan J