

IN THE SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 518
CR95/2021

REPUBLIC
(rep by Nissa Thompson)

Prosecution

and

NATASIA CHANG-TAVE
(rep. by Clifford Andre)

Accused

Neutral Citation: *Republic v Natasia Chang-Tave* CR 32 of 2021 [2021] SCSC
518...delivered on 09 August 2021

Before: Vidot J

Summary: Conspiracy to commit money laundering contrary to section 3(1)(b) and 3(1)(3) of the Anti-Money Laundering and Countering the Financing of Terrorism Act 2020 and money laundering contrary to section 3(1)(b) of the same Act

Heard: 06 August 2020

Delivered: 09 August 2021

ORDER

Count No.1; sentenced to a term of 4 years and 6 months imprisonment and a fine of SR35,000.00 and in default to 6 months imprisonment.

Count No.2; sentenced to a term of 4 years and 9 months and a fine of SR35,000 and in default to a term of 6 months imprisonment

Both sentences to run concurrently and concurrently to sentence she is serving stating from 09th August 2021.

SENTENCE

VIDOT J

[1] The Accused is charged and pleaded guilty to the following offences;

Count 1

Statement of Offence

Conspiracy to commit money laundering contrary to sections 3(1)(b) and 3(1)(3) of the Anti-Money Laundering and Countering the Financing of terrorism Act of 2020 and punishable under section 3(4)(a) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act of 2020.

Particulars of Offence

Natasia Samentha Chang-Tave of Montagne Posee Prison, Mahe, Nicho; Russel Gabriel of Pointe-Larue, Mahe, and Micheal Bastienne of Cascade, Mahe during the period of the 1st January 2018 to 28th February 2020, at a place unknown to the Republic on Mahe, Seychelles, knowing or believing that the property, namely the land and dwelling house comprised in title No. S6399 situated at Anse-Aux-Pins, Mahe, was or represented the benefit of criminal conduct namely; drug trafficking, agreed with one another to conceal or disguise the true nature, source, disposition, movement or ownership of the property or any rights with respect to it without lawful authority or excuse.

Count 2

Statement of Offence

Money laundering contrary to section 3(1)(b) of the Anti-Money Laundering and Countering the Financing of Terrorism Act 2020 and punishable under section 3(4)(a) of the said Anti-Money Laundering and Countering the Financing or Terrorism Act

Particulars of Offence

Natasia Samentha Chang-Tave of Montagne Posee Prison, Mahe, during the 01st January 2018 and 28th February 2020, at a place unknown to the Republic on Mahe, Seychelles, knowing that the property, namely; the land dwelling house comprised in Title No.S6399 situate at Anse-Aux-Pins, Mahe was or represented the benefit of criminal conduct namely, drug trafficking, or bring reckless as to whether the said property was or represented the benefit of such conduct, concealed or disguised the true nature, source, disposition, movement or ownership of the said property or any rights with respect to it without lawful authority or excuse.

- [2] Counsel for the Accused implored upon court to show leniency on his client and prayed for a non-custodial sentence. In his submission in mitigation, he stated that his client has pleaded guilty at the first given opportunity, thereby showing remorse for the offences committed. She has two small children aged 7 years old who since her incarceration have been in several children foyer. That is very disruptive to the children and they are being seriously affected. Mr. Andre, Counsel for the Accused also argued that the Charges with which the Accused are charged are connected with another Supreme Court for which the Accused has been convicted and now serving a prison term. He argues that the Accused should have been charged with these present charges when that other case came before Court, to which the Accused also pleaded guilty. So, for that reason, he argues, the accused should be considered a first-time offender.
- [3] I have indeed taken all matters in mitigation into consideration before passing sentence. I note that the Accused was sentenced in Supreme Court case CO18 of 2019 [2020] SCSC 631 to terms of 6 years and 4 years imprisonment, which sentence she is presently serving. She was convicted for the offences of trafficking in controlled drugs contrary to section 9(1) read with section 19(1)(c) read with section 20(3) of the Misuse of Drugs Act, 2016 and agreeing with another person or persons that a course of conduct shall be pursued and if pursued would necessarily amount to or involve importing a controlled drug by one or more of the parties to the agreement contrary to section 16(b) read with section 5 of the Misuse of Drugs Act. Counsel argued that this present case is related to the CO18 of 2019 and that is admitted by Counsel for the Prosecution. They in fact arose from the same facts.

There exist an inter-relation between the two cases. Therefore, had the two cases been consolidated, then she would have been a first-time offender.

[4] Money laundering is becoming more and more prevalent in the Seychelles and there is urgent need to arrest that situation as it is bad for the image of the country. Other countries and international organizations are watching, as these types of offences can have far reaching effects and feed into other crimes such as those related to illegal narcotics. The country needs to show that it is aggressively fighting such crimes.

[5] An early guilty plea earns an Accused credit as far as sentence is concerned. In **R v Buffery 14 Cr App. R (S) 511CA**, Lord Taylor said that there was no absolute rule as to what the discount should be, but as a general guidance the Court believes that a term of the order of one third would be an appropriate discount. Blackstone's Criminal Practice (2012) paragraph E.12 P2148, provides that a guilty plea would in effect earn the accused a reduced sentence as it saves time of the court and reduces considerable cost and in case of an early plea saves inconvenience of witnesses to give evidence before court, and therefore that "*reduction should be appropriate to the total sentence imposed calculated by references in which the guilty plea was indicated, especially at what stage in the proceedings*".

[6] Therefore, I hereby sentence the Accused as follows;

- (i) On Count 1, I sentence the Accused to a term of imprisonment of 4 years and 6 months and a fine of SR35,000.00 and in default to 6 months imprisonment;
- (ii) On Count 2, I sentenced the Accused to a term of imprisonment of 4 years and 9 months and a fine of SR35,000.00 and in default to a term of 6 months imprisonment;
- (iii) The fines shall become due and payable by the latest within 6 months of the Accused completing the terms of imprisonment mentioned in (ii) above; and
- (iv) Both terms of imprisonment shall run concurrently and concurrently to the term of imprisonment she is currently serving as from today.

[7] If unsatisfied with this sentence, the Accused may appeal against the same within 30 working days from today.

Signed, dated and delivered at Ile du Port 09 August 2021



M. Vidot J