

IN THE SUPREME COURT OF SEYCHELLES

Reportable
[2023] SCSC 1.5
CR05 /2021

In the matter between

THE REPUBLIC
(rep. by Kelline Marie)

Prosecution

and

LEO LOUDY EDMOND
(rep. by Anthony Juliette)

Accused

Neutral Citation *The Republic v Leo Loudy Edmond* (CR05/2021) SCSC..... delivered on
20 January 2023
Before: Vidot J
Heard: 16 January 2023
Delivered: 20 January 2023

SENTENCE

VIDOT J

[1] The Accused stands charged with two counts of controlled drugs related offences. The first count which the Accused pleaded not guilty to, is Trafficking in a controlled drug by virtue of being found in unlawful possession of a controlled drug, namely heroin (diamorphine) with intent to traffic, contrary to section 9(1), read with section 7(1) of the Misuse of Drugs Act 2016 and punishable under section 7(1) read with the Second Schedule of the said Act. The Accused pleaded guilty to count 2 which was in alternative to count 1 which is as follows;

Count 2

Statement of Offence

Possession of a controlled contrary to section 8(1) of the Misuse of Drugs Act 2016 read with section 19(1)(d)(i) of the said Act and punishable under section 7(1) the Second Schedule of the Misuse of Drugs Act.

Particulars of Offence

Leo Loudy Edmond, on 08th August 2019, at La Louise, Mahe, was in unlawful possession of a controlled drug, namely heroin (diamorphine) having a net weight of 12.70 grams containing heroin purity content of 3.68 grams.

- [2] The facts were relayed by the Prosecution and admitted by the Accused. He was accordingly convicted. The prosecution then moved the Court to withdraw the first count in terms with section 65(a) of the Criminal Procedure Code
- [3] In mitigation, Mr. Juliette, Counsel for the Accused pleaded to Court to show leniency to the Accused, especially since he has pleaded guilty, thereby showing remorse and accepted responsibility for the offence committed. The Accused who is 31 years old, has a concubine and two minor children. He is in full in employment time as a boatboy and earns a salary of SR10,000.00 per month. Counsel pleaded that this Court imposes a non-custodial sentence on the Accused.
- [4] The Accused has pleaded guilty and shown remorse. A guilty plea saves the court's precious time and therefore the Accused should earn credit for that. Section 49 of the Misuse of Drugs Act, lists an accused admission of the truth of the charge through a guilty plea, particularly an early guilty plea as a mitigating factor for a reduction in sentence. By pleading guilty early the Accused has reduced considerable court costs and saved the inconvenience of witnesses having to give evidence before Court. **Blackstone's Criminal Practice (2012), paragraph E12 p2148** provides that a guilty plea would in effect earn an accused a reduction in sentence and that "*reduction should be a proportion of the total sentence imposed calculated by references in which the guilty plea was indicated, especially at what stage of proceedings.*"

- [5] Section 49 of MODA further provides that an accused's acceptance of responsibility for the harm or potential harm associated with the offence, the absence of any commercial element in the offence and the absence of prior convictions as other mitigating factors. Such factors are present in this case.
- [6] However, this Court remains conscious that drugs remains a colossal problem for Seychelles and despite efforts to eradicate or at least curb it, this problem remains a challenge that is far from being won.
- [7] In the circumstances, I convict the Accused to one (1) year imprisonment and a fine of SR18,000.00 payable within 6 months of this sentence and in default to 4 months imprisonment.
- [8] The term of imprisonment shall be suspended for two (2) years.
- [9] If unsatisfied with this sentence, the Accused has a right of appeal against the same within 30 working days from today.

Signed, dated and delivered at Ile du Port on 20 January 2023.



M Vidot J