

**IN THE SUPREME COURT OF SEYCHELLES**

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**Reportable**

[2023] SCSC 170

CO 32/2022

In the matter between:

**THE REPUBLIC**

*(rep. by Alvin Marie)*

**PROSECUTION**

And

**REUBEN ORPHEE**

*(rep. by Daniel Cesar)*

**ACCUSED**

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**Neutral Citation:** *R v Orphee* (CO 32/2022) [2023] SCSC 170 (6<sup>th</sup> March 2023)

**Before:** Dodin J

**Heard:** 06 March 2023

**Delivered:** 06 March 2023

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**SENTENCE**

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**DODIN J.**

[1] The convict has been convicted on his own guilty pleas to four counts which counts were read immediately before by the Court to the accused. In addition to the counts against the accused there were some seizures made including a total amount of SCR41,263 and some items like mobile phone, pendrive, hard drives and four silver necklaces. Learned counsel for the Republic has moved the Court for the seizure of the money that was taken from the convict.

[2] So I have heard counsel for the Accused in mitigation and the following were raised; the convict is a man of 25 years old, has a concubine and a three year old child and the

convict has pleaded guilty at the first opportunity and the convict was a drug dependent person; he was in gainful employment and then fell into drug habit became a drug dependent person but he is now back in full time employment. By pleading guilty the Accused has saved the Court's time and expenses of a trial, the Accused have accepted responsibility for the offences and shown remorse.

[3] Learned counsel has also provided the Court with several authorities; the case of the *Republic vs. Marcus Dugasse*; the citation is in the copy provided where the convict had in his possession 32.82grams purity of Cocaine and was sentenced to two years imprisonment suspended for three years plus a fine. The case of the *Republic vs. Kerence Fanny* where the convict also had 64grams purity came down to 12grams and was sentenced to one year six month suspended for two years plus a fine of SCR18,000. Also the *Republic vs. Tony Palmyre* and also *Republic vs. Joshua Telemaque* both cases the similar amount and were given suspended sentences.

[4] I have considered all those mitigating factors and the application by counsel for the Republic for seizure of the monies found and I also note that the accused are now in gainful employment and you have dependents at least a three year old child. Otherwise previously I was considering imposing a prison sentence I am now considering to give the Accused the second chance in life provided of course if he comes back to court then the sentences that he may get if he is found guilty would be very severe.

- a) For the first count that is the trafficking in 45.9grams of powder containing 28.47grams of Heroin I sentence you to 18 months imprisonment suspended for three years. The Accused must not commit similar offence and I am not imposing a fine.
- b) Count 2 that is possession of 1.70grams of powder containing Diamorphine which is of unknown quantity I am imposing a fine of SCR2000.
- c) On count 3 possession of 0.50grams of powder containing traces of Cocaine I also impose a fine of SCR2000; and

- d) Count 4 possession of 3.86grams of Cannabis herbal material a fine of SCR3000.
- e) The accused is given three months to pay all the fines.

[5] Further order; the sum of money which amount to SCR41,263 that includes SCR11,300 found in the bag, SCR24,975 and SCR4,988 found at the Accused place of residence to be seized and forfeited to the Republic.

[6] I further order that the remaining items that belong to the accused; the mobile phones, pendrives, hard drives and the silver necklaces are handed back to the accused.

[7] The convict can appeal against the sentences within 30 working days of today.

Signed, dated and delivered at Ile du Port, Victoria on 06<sup>th</sup> day of March 2023

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C G Dodin  
Judge