

SUPREME COURT OF SEYCHELLES

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Reportable  
[2023] SCSC 623  
CO 42/2021

In the matter between:

**THE REPUBLIC**  
*(rep. by Corrine Rose)*

**Republic**

and

**DENIS VIDOT**  
*(rep. by Joel Camille)*

**Accused**

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**Neutral Citation:** *Republic v Vidot* (CO 42/2021) [2023] SCSC 623 (14 August 2023)  
**Before:** Burhan J  
**Summary:** Section 219 (a) Penal Code  
**Heard:** 25 March 2022, 10 June 2022, 14 October 2022, 09 December 2022, 27 February 2023  
**Delivered:** 14 August 2023

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**ORDER**

I proceed to find the accused Denis Vidot guilty on all three charges contained in Counts 1 to 3 and proceed to convict him of same.

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**JUDGMENT**

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**BURHAN J**

[1] The accused namely Denis Elvis Vidot stands charged with the following offences :

**Count 1**

*Unlawfully wounding with intent to do grievous harm contrary to section 219 (a) and punishable under section 219 (a) of the Penal Code Cap 158.*

*Denis Vidot of La Louise, Mahe on 13<sup>th</sup> September 2020 at La Louise, Mahe unlawfully wounded one Frederic Louis Bristol by stabbing the said Frederic Louis Bristol with a knife in the abdomen with intent to do some grievous harm to the said Frederic Louis Bristol.*

### **Count 2**

*Unlawfully wounding with intent to do grievous harm contrary to section 219 (a) and punishable under section 219 (a) of the Penal Code Cap 158.*

*Denis Elvis Vidot of La Louise, Mahe on 13<sup>th</sup> September 2020 at La Louise, Mahe unlawfully wounded one Aubrey Bristol by stabbing the said Aubrey Bristol with a knife in the abdomen with intent to do some grievous harm to the said Aubrey Bristol.*

### **Count 3**

*Unlawfully wounding with intent to do grievous harm contrary to section 219 (a) and punishable under section 219 (a) of the Penal Code Cap 158.*

*Denis Elvis Vidot of La Louise, Mahe on 13<sup>th</sup> September 2020 at La Louise, Mahe unlawfully wounded one Carlos Bristol by stabbing the said Carlos Bristol with a knife in the abdomen with intent to do some grievous harm to the said Carlos Bristol.*

### **Evidence of the Prosecution**

- [2] The prosecution opened their case by calling Dr Lucia Banane who testified that she is a General Surgeon by profession and has been a doctor for a period of over twelve years and received a three year training for specialization in surgery in Tanzania. Witness thereafter gave evidence in respect of her qualifications and experience and her expertise in her profession was not challenged. She testified that she is a specialist, a general surgeon and has studied with the Royal College of Surgeons of UK and the Royal College for Surgeons of East Central and Southern Africa and has a Masters in Surgery in Tanzania as well.

- [3] She recalled examining one Mr Louis Frederick Bristol, 57 years of age on 13 September 2020 and stated that he had a poly-trauma stab injury and was sent for an urgent CT scan. The patient was conscious, oriented but in severe pain. On examination of the abdomen, there was a lacerated wound of around 1 cm by 1 cm and more than 5 cm deep around the infra umbilical region with tenderness on palpation of the abdomen around the wound. Dr Lucia Banane identified her medical report and produced it as Exhibit P1.
- [4] At the beginning Mr Louis Bristol was given conservative treatment but as his condition was not improving with conservative treatment, he was taken to the operating theatre for exploratory Laparotomy on the same day. Surgery revealed a single stab wound penetrating the posterior rectus sheath which had gone through three loops of small bowel, through and through, resulting in faecal soiling in the peritoneal cavity. A haematoma of the rectus sheath was also noted. All perforations were repaired and thorough peritoneal toileting was done and two large bore drains were left in situ. The patient was then transferred to ICU for close monitoring and after a few days, he was transferred back to the ward. He developed pneumonia and also a surgical site wound infection and wound care and regular dressings were done with continuous physiotherapy daily. On 09 October 2020, the patient was better and was discharged home and an appointment was given for continuous follow-ups with the surgeon in the out-patients' specialist clinic. Witness testified the stab wounds had penetrated the patient's small intestine and gone in deep.
- [5] Witness Dr Banane further stated on the same day 13 September 2020, she had examined one Aubrey Bristol 27 years old and witness produced his report dated the 08 January 2021 as P2. On examination, the patient was conscious, oriented but in pain and had on the abdomen a lacerated wound 1 cm by 1 cm and more than 5 cm deep over the left flank with tenderness on palpation of the abdomen around the wound. The patient was sent for an urgent CT scan of the abdomen which reported injury with penetration in the left flank and haemorrhage into the peritoneal cavity. The patient was admitted to D'Offay ward and was placed under conservative management and close monitoring with analgesic and IV antibiotics. On 18 September 2020, the patient was better and was discharged home and an appointment was given for continuous follow-ups with the surgeon in the out-patients' specialist clinic. Witness further testified that it was a stab injury. Witness went on to

explain that the capsule around the spleen was ruptured and there was evidence of bleeding in the capsule of the spleen and the capsule of the kidney was also affected. The injury was quite serious but he did not require surgery. The patient could be managed with conservatory treatment without needing to open the abdomen. She further stated that had the stab injury ruptured the spleen deeper, they would have had to open and remove the whole spleen, even the kidney but luckily it was only the capsule that had ruptured in both instances therefore they could just monitor. Dr Banane further explained that there were a group of family of three that came to casualty that day and two were referred to her and one did not require attention for admission, he was seen by the casualty doctor and sent home. Only the serious cases were referred to the Specialist.

- [6] In cross examination she admitted the information she wrote down in her report was obtained from the patient and she used the word alleged, as she was not sure he was telling the truth. She further stated the casualty was full that day as all patients came together.
- [7] The prosecution next called Dr Lyan Noel who stated he is Medical Officer at the Seychelles Hospital. He recalls examining one Carlos Bristol, 21 years of age who had a superficial stab wound to the anterior aspect of the abdomen and blunt force injuries to his back and lower back. Witness identified the medical certificate prepared by him and produced it as P3. They had sutured his wound and released him after recommending antibiotics and dressing with alternate day changing and further treatment if necessary at his local clinic. He was not admitted to hospital.
- [8] The next witness called by the prosecution was Ms Carol Cassime, a Crime Scene Officer at the Scientific Support and Crime Records Bureau (SSCRB) at Bois de Rose who stated she has been working with the SSCRB for the past 8 years. Her duties were to attend the scene of crime, carry out fingerprint examination on scene and also do photography. Witness testified that she was on duty on the 13 September 2020 and around 03:10hrs, she attended a scene of wounding at La Louise accompanied by Corporal Lucas. On arriving at the scene, witness had met one Jean-Phillipe Stravens who showed witness where the alleged incident happened. Witness had taken photographs of the scene and produced the photographs as P4 (1 to 10). She proceeded to describe each and every photograph taken

which included red substances seen on different areas of the floor and a knife which was recovered from the scene of crime. The exhibits were seized by Corporal Lucas. Witness under cross examination stated she was not aware if any tests had been done in respect of the red substance and was unaware if fingerprints or DNA tests had been carried out at the scene. Her duty was only to take photographs.

[9] Witness Louis Bristol stated that he lives at Les Mamelles and is at present 59 years old and lives with his wife Dina Bristol, his mother Marietta Bristol and his two sons Aubrey and Carlos Bristol. Witness testified that on the 12 September 2020, there was a Holy Confirmation of his wife's grandson. The grandsons name is Raphael and his mother is Christine Stravens. Witness stated he went to the party with his wife, his mother, Carlos and Aubrey and his girlfriend. They had a family gathering at the house of the accused and everything went on well and when the party was done they went home. When they arrived home on going to bed, the phone of his wife rang and that of his son Carlos. This happened around 11.30 pm and midnight. His wife had picked up the phone and told him that Christine had called her. When the phone of his son Carlos rang, witness asked who was calling and what was happening. Carlos informed him that it was Jean Philippe who was calling and told him that Denis (the accused) was fighting with his mother Christine. Witness testified that Christine is the daughter of his wife Dina and Jean-Philippe is the son of Christine. After 5 minutes the phone rang again and Carlos answered it and said he has to go to check on Jean-Phillippe and if it is necessary, he will return back with Jean-Philippe and left. Witness testified that after about 8 to 10 minutes later, he told his wife, he will go to check on Carlos because both were after liquor and he wanted to check what was happening. The accused Denis was Christine's boyfriend and they were living together.

[10] Witness testified that he told his son Aubrey to come with him and his wife had called the police in order that they would reinstate peace. She had done so before they left. They had gone on foot as it was closer that way. When they reached La Louise they saw Christine on the road side on the phone crying and speaking to the mother of the accused. They parked the car near the road and spoke to Christine and then the police came. There were about three or four of them. At the same time the police came, they heard somebody

speaking loudly like in an argument. Aubrey had told him this must be the accused and Carlos and he had gone towards the house to check with a police officer.

- [11] Witness Louis Bristol testified that when he was going up to the house, he could see something in the hand of the accused but he could not say what it was because of the distance. Witness saw Aubrey either hit or push the accused on the ground and the accused fell down. When the accused was getting up witness states there was a knife in his hand and he began to fight with Aubrey. When he was fighting with Aubrey witness saw Aubrey reaching down next to a flower pot and picking up a knife to fight. Witness tried to remove Aubrey while they were fighting and kept telling him to get out and expected the police to hold the accused but they did not. He had to release Aubrey and both continued fighting until witness managed to stop them.
- [12] When they had stopped the commotion, he told Aubrey to come with him and were turning back when he heard the accused call Aubrey and when they turned around, witness saw the accused coming near Aubrey and then witness saw Aubrey falling and held him. Witness testified that while he was holding Aubrey, witness felt something stab him in his waist and he felt dizzy. He had placed Aubrey on the ground and checked his waist and looked at his hand and seen a lot of blood on it. When this occurred only the accused was present and it was he who had stabbed him. Witness Louis Bristol further stated that he did not fight with the accused and did not do anything but got stabbed by him.
- [13] Thereafter witness had managed to get to his car near the road in order to pick up Aubrey to take him to the hospital but on arriving at the car, he could not do anything because he was dizzy. While he was standing there a man passed by in a car and saw him and parked next to him and on seeing he was bleeding, had taken him in his car to hospital. The man called the hospital for an ambulance for his son. Witness had not wanted to leave his son but the man insisted and as he was feeling dizzy he went with the man to hospital. He had seen the injuries on Aubrey only after Aubrey arrived at the hospital. At hospital while he was being examined, he saw Christine coming in and saw that she too was also injured. He had also seen Carlos and was broken hearted that all had been injured by one person.

He thereafter corroborated the evidence of the doctor in respect of the treatment he received at the hospital and affirmed the fact he was in hospital for a period of one month.

[14] Under cross examination, Mr Louis Bristol admitted they had attended the function of the holy confirmation party which was from 5.00 pm till 11.30 pm. and that Aubrey, Carlos the accused and he had consumed alcohol. He confirmed that the accused and Christine lived together and Christine has two children Jean Philippe and Raphael and from the accused, a child of one year. He stated as he went to the house after the call in the night and on arrival was talking to Christine who was outside when the police came. Aubrey went up to the house before him with one of the police officers and then witness followed behind. He stated he saw the accused and Carlos in front of the door and the accused had something in his hand. He admitted he could not see what it was because he was a little far away. Witness stated that when he saw them they were not fighting they were arguing, He stated Aubrey pushed the accused on the floor because he saw the knife in his hand. Witness denied that Aubrey had a knife with him when he went to the accused house because it would not make sense for him to have a knife with him, as it was he who was the one who called the police. Witness testified that when Carlos left the house there was nothing in his hands as he saw Carlos leaving. Witness stated he did not expect the accused to stab Aubrey as they all knew each other and there was no animosity between them. He denied the suggestion that it was due to the entanglement in the fight that Aubrey got stabbed. He admitted he did not see when the stabbing occurred. He denied his injury was caused by Aubrey who had a knife with him and admitted he had not seen the incident where Carlos got injured. In re-examination he testified that when he and Aubrey were walking away the accused called Aubrey and the accused came near and then Aubrey fell into his arms as he was just behind Aubrey. At that moment he did not know what was happening.

[15] Mr Aubrey Bristol giving evidence corroborated the fact that he attended the said Holy Confirmation party at the house of the accused on the said date. From his evidence it is clear that his father is Mr Louise Bristol and the entire family had attended the party but came home at 1.00 am as some vulgar comments had been made by the accused about his father. He confirmed the fact that a telephone call had come and his mother had answered

and told him that the accused was beating his sister Christine Stravens and later Jean Philip had phoned his younger brother Carlos told that the accused had put him outside the house and for Carlos to come and pick him up so that he can come to sleep at their home.

[16] Witness further corroborated the fact that his mother had called the police and they had gone on foot to the house where Christine and the accused lived and that it was about a 10-15 minute walk from their house to the house of the accused. When they arrived there they saw Christine on the road side, she was crying and speaking on the phone. Witness took his phone and called the police who said they were at Chilli Bar on the way and then they arrived at the scene. They heard some loud noises so witness had gone up to the house with an officer. He had seen the accused Denis standing in front of the house with a knife in his hands and his brother Carlos Bristol was standing next to him and they were in an argument with each other. The accused was raising his knife and witness ran and bent down and picked a tool from the flower pot. He states he thought it was a tool but when he saw it was a knife, he turned the knife in reverse so that the handle part faces the front and hit the accused behind his head and shoved him on the ground. The accused got up and shoved his the knife towards witness a couple of times and then the police told them to stop or else they will be arrested. The accused turned his attention to the police officers and when he was turning around to speak to the police officers witness snatched the knife from his hand and took both knives the one that was in the hand of the accused and the one that was in his hand and threw it on the ground. Witness testified that when he threw both knives on the ground the accused came towards him to fight with him.

[17] Witness stated he was defending himself and the situation escalated into the house and his father had pulled him and told him to stop. When witness had stopped and was turning around to go away he heard Denis call his name. He turned round and then felt something cold inside him, like a stab and saw the accused's hands coming from his waist. He touched his waist and his hand entered into a hole and when he removed his hand, there was a lot of blood in his hand and he started to feel dizzy and fell down. At that time he had nothing in his hand as he had thrown both knives on the ground. Witness testified that when this was happening inside the house, he remembers his father and the accused was there. He does not remember what happened to Carlos. The police were just standing and watching,



Witness stated that it was when he fell down, he saw the accused cutting his sister Christine on her shoulder and heard his sister crying out loud “he cut me, he cut me”. Then witness saw the accused going into the room and that is when the police came in. Thereafter his nephew and the father of his girlfriend came to put pressure on his wound while he was on the ground inside the house.

[18] Witness further stated that his girlfriend had called the ambulance and after some time the ambulance arrived. On arriving at the hospital witness saw his father in bed and his mother had told him that he had been stabbed too. Witness thereafter gave evidence of his treatment and stated he stayed in hospital for a period of 8 to 9 days. Witness thereafter gave evidence of the above incidents in relation to the photographs produced. He showed the places where the knives were thrown by him and where he fell down after getting stabbed as shown in photograph number 6.

[19] Under cross examination, he stated he did not see a piece of wood in the hand of Carlos when Carlos left the house to go to the house of the accused. He denied the suggestion that they went to the house of the accused to get at the accused because of his fight with their sister. He denied having a dagger with him at that time and stated that he would have not called the police before he left his house, if his intention was to cause harm to the accused. He had even waited till the police arrived to go into the house. Witness admitted that when he went on the scene, he grabbed the accused by the neck and brought him down because the accused was lifting his hand with the knife in it and witness was thinking that he was going to injure Carlos and therefore he reacted. Witness stated that he did not fight with the accused but just tried to knock him out so he does not cause injury to anybody. He continuously denied he brought a dagger with him to fight the accused. He further stated that the police officers did not make any attempt to try and stop anything and he acted instinctively as if he did not go and stop the accused he would have killed his brother. Witness testified that he did not see his brother Carlos with a weapon, he saw only the accused with a weapon.

- [20] Mr Carlos Bristol aged 23 giving evidence corroborated the evidence of his father Louis Bristol and elder brother Aubrey Bristol in respect of attending the party at the house of his sister Christine and the accused at La Louise. He corroborated the evidence of the calls that they received from his sister Christine to his mother and from Jean Philippe to himself informing them that the accused was fighting with them and telling Jean Philippe to get out of his house and to go away. He had told Jean Philippe to come and stay with them but he had stated he was scared and asked witness to come and fetch him. He stated he heard the accused saying “tell your gay uncle to come up here” on the phone. Witness testified that he went up to fetch his nephew which was about a 20 minute walk from their house.
- [21] When witness Carlos Bristol arrived at the house of the accused, his nephew was there and he heard his nephew calling from outside telling him that the accused is inside. Witness stated that when he entered the bedroom, the accused had asked him what he was doing in his home and witness Carlos had replied that this is not his place that he is only renting it. Witness further stated the accused started coming towards him and he had pushed him and then they started to fight. Witness testified that he did not see anything in the hands of the accused. Witness testified that he only felt somebody pulling, he did not know who and then he saw his brother coming. Thereafter witness stated he not know what happened as he did not see anything as they all went inside of the house and he stayed outside.
- [22] Witness Carlos testified that after some time he went inside the house and when he went in, he saw his brother on the ground and he was crying and witness had gone to fight with the accused. He had felt something cold near his waist and did not know what it was. Witness had pressed on his abdomen as he felt pain and had stood sometime where he was and then he heard his sister crying and he went to see what was happening but two police officers prevented him from going into the room. He saw a knife near the accused and Christine on the ground inside the bedroom. Christine was crying on the ground. The ambulance came and picked up witness’s brother and witness stated that he went in the police vehicle to the hospital.
- [23] At the hospital they put him on the bed for a while, examined him and did some stitches and sent him home. Witness described the incident in relation to the photographs shown to

him. Witness testified that photograph 1 shows the outside part of the house near the entrance to the house; Witness stated that the accused and him were arguing and fighting in front of the door. Witness explained that photograph 5 is where he entered and saw his brother lying on the floor. Witness explained that photograph 7 is the place he was standing whilst he was fighting afterwards with the accused and felt something cold in his abdomen, the blood stain is near the chair at photograph 2. Under cross examination witness Carlos admitted he had taken alcohol that day at the party. Witness testified that he never interfered in the problems of his sister and her partner. Witness testified that he was not annoyed at the accused but thinking only of his nephew and admits he took a piece of wood with him but not to fight with the accused. He had taken the wood because he was going alone in case anything happens to him on the road. Witness testified that when he arrived at the house, he did not know where his nephew was and he went to the room to look for his nephew and when he was going out the accused had spoken to him. He states he did not fight with the accused but admits he defended himself. He admitted he did not see his brother and father get injured. He did not see the accused stabbing him nor did he see a knife or a weapon but he felt something cold.

[24] Mr Ange Michel Valentin aged 63 years stated he was earlier working as a Police Officer for a period of 14 years. On the date of the incident 12 September 2020, he was working at the Mont Fleuri police station and on mobile patrol with four other officers when they received a call from a family regarding a fight at La Louise. They had gone to check in order to bring the situation under control. He and WPC Landry went in to observe what was happening and they noticed bickering, noise, bad things happening and people wounded and noticed one Carlos was wounded.

[25] Witness Michel Valentin further stated he saw the accused come from inside the house and pass next to him and he noticed he had a knife in his hand. Witness stated that Carlos was standing not too far away from him and the accused passed by and this is when Carlos got stabbed. Witness testified that he followed the accused through a corridor to his wife who was on the ground and the accused dropped the knife saying "I love you Cheri" and they hugged each other. Witness stated that he informed the accused he is being arrested as he had wounded a person. After arresting the accused he had brought him to the Mont Fleuri

police station and thereafter had gone to the hospital and seen that there were several persons there but had not noted their names. He could recall the wife of the accused and Carlos were there.

[26] Under cross examination, he admitted he had not seen the accused stabbing Carlos. He admitted he had not stated in his statement that he had seen the accused coming with a knife from behind the house but stated “I saw person now known as Denis Vidot coming from behind his house with something in his right hand and enter the house” He further stated after the knife was dropped by the accused, he had picked the knife and taken it into custody. He stated that if he has said that it was WPC Landry who picked up the knife and gave it to him it is incorrect. He had handed the knife over to the CID. His statement was produced by the defence as A1. In re-examination witness stated that he was standing near the accused and he passed by and Carlos was standing near them.

[27] The next witness called by the prosecution was Jean Philippe Stravens 18 years. He referred to the disputes between his step-father the accused and his mother Christine Stravens on the date of the incident. They were arguing and witness could see a fight would break out and he asked them not to fight. His stepfather became arrogant towards him and he was also arrogant towards his stepfather. Witness stated he had called his uncle Carlos and asked Carlos to come because he could see a fight could break. After communicating with Carlos, Carlos came to their residence. When Carlos arrived, the accused came to fight with him. Witness saw Carlos push him. Thereafter he saw his uncle Aubrey and grandfather Louis came to break up the fight. Witness stated that they came to stop the fight and to stop Carlos from fighting but the accused became more arrogant to fight. Witness stated that he did not witness what happened inside the house as he was outside. The police also came to stop the fight but they couldn't. Thereafter he had seen people coming out of the house with injuries and he could see blood on the ground. His uncle Aubrey, grandfather and uncle Carlos were taken to hospital. He had shown the police officers the blood. After they left the CID came on the premises. They took photographs of the blood and marked the area. Under cross examination he stated that when he saw Carlos coming he took the piece of wood from Carlos's hands.

[28] Thereafter the prosecution closed its case. The accused in defence made an unsworn statement from the dock.

### **Evidence of the defence**

[29] UNSWORN STATEMENT OF THE ACCUSED FROM THE DOCK

Good afternoon. My name is Denis Vidot. On that day, there was the holy confirmation of Raphael. We had a small gathering. Everybody came and we were enjoying. Around 01:00 early in the morning, everybody was going home. Me and wife had some quarrel/dispute. Jean-Philip got scared and this is why he phoned the family members. I wasn't expecting them to come at the house to fight me. I continue to sat outside. I saw them came. Carlos came with a piece of wood. Aubrey came with a dagger and they start fighting me. I got the chance to run inside. Inside was dark, I don't know how the injuries happened because everything went fast. I don't know how things happened. I don't recall. That is all.

[30] Thereafter the defence closed and both parties made submissions.

### **Analysis**

[31] Having thus considered the evidence of the prosecution and that of the defence, I observe that the accused in his unsworn statement from the dock admits he and his wife <sup>partly</sup> had a quarrel. He admits Jean Philippe got scared and called the family members. He was not expecting them to come and fight with him. He saw Carlos come with a piece of wood and Aubrey came with a dagger and they started fighting him. He states he ran inside and it was dark and he does not know and cannot recall what happened and how the injuries occurred as everything occurred fast. It is clear that he denies confronting and stabbing any of the victims and implies in the dark and in the rush, they stabbed each other by accident. Learned Counsel for the accused in his submissions has also raised the defence that as the accused had a knife and the victim Aubrey had a knife, the injury to the victim could have been caused by defending themselves resulting in an accident between themselves.

- [32] Learned Counsel also bases his defence on Section 10 of the Penal Code which states inter-alia that a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will or from an event which occurs by accident.
- [33] Firstly when one deals with the statement of the accused from the dock, he states Carlos and Aubrey came armed and started fighting him and he ran inside his house and it was dark and he does not know and cannot recall what happened. The accused does not mention he was defending himself with a knife. Therefore Learned Counsel for the accused contention that the accused had a knife is not supported by the unsworn statement of the accused. Therefore, his contention that the victim Aubrey had a knife and the accused had a knife and that the injury to the victim could have been caused by accident when they were defending themselves is not in line with the unsworn statement of the accused.
- [34] The prosecution evidence is that Aubrey was stabbed by the accused when he was being pulled away from the fight by his father and the father was stabbed when he was attempting to pull his son Aubrey away from the fight. When they felt they were being stabbed it was the accused who was close to them. Carlos evidence is of a similar nature that it was the accused who was next to him when he felt himself being stabbed. Although subject to lengthy cross-examination, this evidence was not contradicted but in fact corroborated by the witnesses themselves. In the light of this sworn and tested evidence, I cannot accept the aforementioned defences put forward by Learned Counsel for the accused which is not even supported by the evidence of the accused. For the same reasons I cannot accept the statement of the accused that the victims stabbed themselves accidentally.
- [35] I therefore proceed to reject the defence.
- [36] When one considers the evidence of the prosecution and the facts borne out in the cross examination of the witnesses, the following facts emerge; there was Holy Confirmation party at the house of the accused in respect of his step son Raphael on the 12 September 2020 at La Louise. The mother of Raphael, Christine had invited her mother Dina who came to the party with her husband Louis Bristol and sons Aubrey and Carlos and other family members. After the party they had left the house of the accused Denis Vidot (partner

of Christine) and gone back home. When they reached home, Dina received a call from Christine and then Carlos received a call from Jean Philippe who stated to Carlos that the accused Denis was fighting with his mother Christine and wanted him to come. Carlos had told them he was going to check on his nephew Jean Philippe and return back with him and left the house to go to the house of the accused where Jean Philippe resided. Soon thereafter witness Louis Bristol had told his wife Dina, he was going to check on Carlos as both were after liquor. He had taken his other son Aubrey with him and before leaving had told his wife to call the police. From the prosecution evidence it could be gathered that Carlos had arrived at the house of the accused and first confronted the accused in his bedroom. They had exchanged words and thereafter Carlos had pushed him when the accused came towards him and they had started to fight. Thereafter somebody had pulled Carlos away and taken him outside the house.

[37] It appears from the evidence of the prosecution witnesses Louis and Aubrey Bristol had intervened at that stage. According to the evidence of Aubrey Bristol, he had seen the accused with a knife in his hand and his brother Carlos arguing and decided to intervene and had hit the accused with a handle of a knife which he states he picked up from near a flower pot and shoved the accused to the ground. The accused had got up and shoved his knife towards Aubrey and the police had arrived and asked them to stop or they would be arrested. The accused had turned his attention to the police officer and at that moment Aubrey Bristol had grabbed his knife and thrown both knives including what he had in his own hand to the ground. The accused had come towards him to fight and the fight had continued into the house when his father Louis Bristol had pulled him away and told him to stop. Aubrey had stopped fighting and was about to go away, when the accused came up to him and stabbed him in the waist and he remembered his father and the accused were there and the police were just standing and watching. He had also seen the accused cut Christine.

[38] According to witness Louis Bristol the father of Aubrey Bristol, he states and corroborates the fact that he pulled Aubrey away from the fight and states it was at that time, the accused came near Aubrey and he saw Aubrey falling and he had held Aubrey and then he too felt himself being stabbed in the waist and he too felt dizzy. He had tried to go to his car on the

road to take Aubrey to hospital but been unable to and he had been taken to hospital by another passer-by in a car who had seen him injured. He had later seen Aubrey and Carlos and Christine at the hospital. Carlos states that after he was pushed outside and after some time he went in and saw his brother Aubrey on the ground injured and crying and he had gone back to fight with the accused and he had felt something cold near his waist and when he held his abdomen he felt pain. He too was thereafter taken to hospital in the police vehicle.

[39] It is clear to this Court that though Aubrey had been fighting with the accused, he was stabbed by the accused when he stopped and was being pulled away by his father. Aubrey had no knife in his hand at the time he was pulled away. The father Louis Bristol was stabbed by the accused after Aubrey had been stabbed and was being held by him. Mr Louis Bristol was only trying to pull away his son Aubrey from the fight. It is clear that Carlos was stabbed just after these two stabbings as when he saw his brother Aubrey on the floor he had gone to fight the accused. It is clear from the evidence that Carlos had no weapon in his hand as the accused own stepson Jean Philippe states he had taken the piece of wood from the hand of Carlos before he went into the house. It is clear to this Court that at the time of the stabbing none of the victims had any weapon in their possession. This is borne out by the fact that the accused had not sustained any injuries. Further the police evidence indicates they witnessed what was happening though they were inept and ineffective being unable to stop the stabbing although they had tried to. The fact that the victims went to the house of the accused and the incident occurred in his house is not a defence though it may be considered as a factor in mitigation. There is evidence that the Bristol family had called the police in order to restore peace, prior to leaving to the house of the accused and the police were present when the stabbings and other incidents occurred.

[40] The defence contention that in the ensuing melee, the victims stabbed each other is unacceptable in the light of the corroborated evidence of the prosecution witnesses. It is clear to this Court that the accused had gone around with a knife deliberately stabbing each of the victims as and when he got the opportunity to do so. As correctly described by the prosecution he had gone on a “stabbing spree” resulting in serious and grievous injuries to the victims as described by the medical evidence and reports. I find the evidence of the



prosecution witnesses are not contradictory in nature and corroborated by the medical evidence as well. I therefore proceed to accept the evidence of the prosecution.

[41] I am satisfied beyond reasonable doubt that when one considers the evidence led by the prosecution, all the elements of all three charges against the accused have been proved beyond reasonable doubt. I therefore proceed to find the accused Denis Vidot guilty on all three charges contained in Counts 1 to 3 and proceed to convict him of same.

Signed, dated and delivered at Ile du Port on 14 August 2023.



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M Burhan J