

IN THE SUPREME COURT OF SEYCHELLES

Reportable

CR5/2023

In the matter between

THE REPUBLIC

(rep. by Lansingly Rongmei & Alvin Marie)

Prosecution

and

CALVIN ROBERT BRADBURN

(rep. by Joshua Revera)

Accused

Neutral Citation *The Republic v Calvin Robert Bradburn* (CR5/2023) delivered on 27th May 2022

Before: Vidot J

Summary Doing an act for the purpose of enabling or aiding other persons to commit the offence of conspiracy to import controlled drugs contrary to section 381 read with section 22(b) of the Penal Code

Heard: 23 May 2024

Delivered: 27 May 2024

ORDER

The Accused is sentence to 18 months imprisonment and to a fine of SR15,000.00 payable within 6 months after serving the prison term

SENTENCE

VIDOT J

- [1] The Accused stands charged with one count of the following the offence;

Statement of Offence

Doing an act for the purpose of enabling or aiding other persons to commit the offence of conspiracy to import controlled drugs contrary to section 381 read with section 22(b) of the Penal Code

Particulars of Offence

Calvin Robert Bradburn of Anse Dejeuner, Mahe, on a date unknown to the Republic in the month of August 2022, collected money and a satellite phone from Robin Marcel Samson and delivered them to Aysha Antat at the STC Hypermarket, Mahe in order to enable or aid Jean-Pierre Pool, Robin Marcel Samson and Darrel Pothin to commit the offence of conspiracy to import controlled drugs from Madagascar to Seychelles.

- [2] After the facts were read and admitted, the Court proceeded to convict the Accused accordingly. Thereafter, since the Accused is a first time offender, his Counsel requested for a Probation Pre-Sentence Report (“the Report”). The application was acceded to and a Report was produced and served on Counsels. Mr. Revera, Counsel for the Accused then made a submission in mitigation, which submission and the Report shall be fully considered in meting out sentence.
- [3] In his submission in mitigation, Counsel repeated some statements made in the Report. The Accused is 45 years old and according to the Report has two children, one living overseas and the other is in the care of his mother. However, Counsel stated that he is involved in both children’s lives. He is living with his partner. His partner has two children. The Accused has medical issue which according to medical report from MIOT clinic is a mild deviation of bony nasal septum to the left. Mr. Revera submitted that the Accused a breathing issue and has bronchial asthma. The medical report does not support this. He had intended to travel abroad for surgery.

- [4] Counsel pleaded to Court to show leniency to his client who by pleading guilty has expressed remorse and accepted liability for his action. The Accused further asks for forgiveness
- [5] In the Report the Accused denies knowledge of the content of a package which was given to him by Robin Samson, the second accused in the same case, to be handed over to a woman who was unknown to him. The content of that package was money and a satellite mobile phone.
- [6] I appreciate that in meeting out sentence, Courts have to bear in mind that the classic principles of sentencing are deterrence, prevention, rehabilitation, reformation and retribution; see **Lawrence v Republic [1990] SLR 47**. I shall also take into consideration the principle of proportionality of sentence.
- [7] Indeed a guilty plea saves the court's precious time. The Accused should earn credit for that and obtain discount on the sentence that is to be imposed. In **R v Buffery 14 Cr. App. R (S) 511CA**, Lord Taylor CJ stated that there is no absolute rule as what the discount should be, but as a general guidance, the Court believes that something in the order of one third from the sentence that would otherwise have been imposed if the case had gone to trial would be an appropriate discount. **Blackstone's Criminal Practice (2012), paragraph E.12 p2148** provides that a guilty plea would in effect earn an accused a reduction in sentence as it saves time of the court and reduces considerable cost and in the case of an early plea, saves inconvenience of witness to give evidence before court, and therefore that *"reduction should be a proportion to the total sentence imposed calculated by references in which the guilty plea was indicated, especially at what stage of the proceeding."*
- [8] Having considered all the above I sentence the Accused to 18 months imprisonment and a fine of SR15,000.00 which shall become due and payable within 6 months of the Accused being released from prison and in default to a term of 2 months imprisonment.
- [9] Time spent on remand shall be discounted against the sentence.

[10] I direct the Prison Authorities to take note of the Accused medical condition and to detain him in an environment that will not place the Accused at risk.

[11] Signed, dated and delivered at Ile du Port on 27 May 2024

M Vidot J

