

IN THE SEYCHELLES COURT OF APPEAL

Miranda Esparon Appellant
v
The Republic Respondent

Criminal Appeal No. 2/86

JUDGEMENT OF THE COURT

The appellant Miranda Esparon was convicted on her own plea of receiving R29,000 the property of the Republic knowing the same to have been stolen, contrary to Section 309 (1) of the Penal Code. She was committed to the Supreme Court for sentence, and was there sentenced to 7 years imprisonment, by Davey J. She now appeals to this Court against that sentence.

The facts of the case were briefly that the appellant was employed in the Income Tax Office as a Clerk. One Ralph Hoareau, an Inspector employed in the same office, on 2nd December 1985, concealed himself in the office at night, broke the safe and stole its contents which amounted R89,491 in cash and cheques to the value of over R1,000,000. He had sought the advice of the appellant as to when there would be large sums of money in the office, and on 23rd January, 1986, she received R29,000 of the stolen money from Hoareau.

As the learned judge commented, this was a serious case. The appellant assisted in the stealing of the money, by providing information, and received part of the proceeds, which she knew belonged to the Government, who employed her. She was guilty of a serious breach of trust. But we do think with respect that the learned judge attached too much importance to the deterrent aspect of the sentence he imposed and did not give sufficient consideration to the mitigating factors in this case.

The appellant is a young woman of 22 years of age, and the mother of a young baby. She is a first offender. She pleaded guilty. She has made full restitution. She has lost her employment. She provided evidence which enabled the Police to apprehend the principal offender and to recover the bulk of the stolen property. In all the circumstances we consider the sentence imposed on her to be manifestly excessive, and we reduce it to one of 2½ years imprisonment.

Dated at Victoria this 21st day of April 1986.

E LAW
JUSTICE OF APPEAL

H GOBURDHUN
JUSTICE OF APPEAL

A SAUZIER
JUSTICE OF APPEAL