

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 54/2014

[2017] SCSC 1186

THE REPUBLIC

versus

JERRY MATHIOT

Accused

Heard: 20 November 2017
Counsel: Mr. George Thachett, Assistant Principal State Counsel for the Republic
Mr. Nichol Gabriel Attorney at Law for the accused
Delivered: 6 December 2017

SENTENCE

Burhan J

[1] The convict in this case was found guilty of the following offence.

Count 1- Causing grievous Harm to a child contrary to and punishable under section 221 of the Penal Code for which the maximum term of imprisonment is 10 years.

Count 2- Giving a controlled drug to a child contrary to and punishable under section 73 of the Children's Act for which the maximum term of imprisonment is 15 years.

Count 3- Willfully assaulting a child in a manner likely to cause injury to her health contrary to and punishable under section 70 of the Children's Act for which the maximum term of imprisonment is 5 years.

Count 4-Possession of a syringe and utensils and apparatus for the consumption and administration of a controlled drug punishable under section 7(1) of the Misuse of Drugs Act read with section 26(1) (a) and punishable under section 29 (1) for which the maximum term of imprisonment is 5 years.

- [2] I have considered the facts contained in the probation report and the plea in mitigation made by Learned Counsel for the convict. According to the probation report the convict is 34 years of age has five children and is employed as a helper at the Star Seychelles Company. It is apparent from the report that he is a drug user.
- [3] The probation report further states as follows, "*Nonetheless the offence committed by the accused in this case remains of a very serious nature and should not be tolerated at all costs. It is of the view that incarceration of the accused at this stage, would surely serve as a future deterrent in this matter for offences of such serious nature.*"
- [4] I have considered the plea in mitigation. Learned Counsel in mitigation stated that it was an unfortunate case where a caring father went the wrong way and offended the law. He stated that the child's mother was still close to the convict. He moved that the convict be kept on probation supervision for a period of 2 years. He also informed Court that the convict has been in remand for a considerable period of time and that this be taken into account.
- [5] Having considered all the aforementioned facts, this Court is of the view that the offences for which the convict has been found guilty are very serious and grave in nature. Further aggravated by the fact that the victim was just a two year old child. Independent medical evidence has identified controlled drug in the urine of the victim. It is apparent that the convict is still not expressing remorse at what he has done but rather blaming his friend for video filming and reporting the matter to the authorities, when all he was doing was having some fun. This is unacceptable.

[6] Having considered all the aforementioned factors, I am satisfied that suitable deterrent and retributory punishment must be meted out to the convict in this case. I proceed to sentence the convict as follows:

Count 1- to a term of 7 years imprisonment.

Count 2- to a term of 12 years imprisonment.

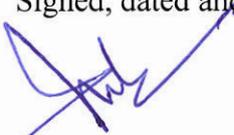
Count 3- to a term of 5 years imprisonment.

Count 4- to a term of 3 years imprisonment.

[7] I make further order that all terms run concurrently and the time spent in remand count towards sentence. On completion of his term as recommended by the probation officer I make order the convict be kept under probation supervision for a period of 2 years.

[8] Copy of Sentence to be served on the Probation Office.

Signed, dated and delivered at Ile du Port on 6 December 2017



M Burhan
Judge of the Supreme Court