

SUPREME COURT OF SEYCHELLES

Reportable
CO88/2019

In the matter between:

THE REPUBLIC
(rep. by Corrine Rose)

Republic

and

JONATHAN CROISE
(rep. by S Rajasundaram)

Convict

Neutral Citation: *Republic v J Croise* (CO88/2019) (04 April 2025)
Before: Burhan J
Summary: Possession of a controlled drug Heroin
Heard: 03 March 2025
Delivered: 04 April 2025

ORDER

I proceed to sentence the convict to a term of six months' imprisonment. During this period of time he is to undergo rehabilitation treatment. Copy of this sentence to be served on the Commissioner of Prisons to ensure that he is referred to a rehabilitation program during his confinement.

SENTENCE

M. BURHAN J

- [1] The convict Jonathan Croise was convicted on his own plea of guilt on 03 March 2025, in respect of the charge contained in the amended charge sheet dated 30 January 2025 which reads as follows:

Count 1

Possession of a Controlled drug contrary to Section 8 (1) and punishable under the Second Schedule of the Misuse of Drugs Act 2016 (Cap 133).

Particular of offence are that, Jonathan Allen Croise holding NIN 991-1231-1-1-06, resident of Belvedere, Mont Fleuri, Mahe, on the 20th April 2018 at La Louise, Mahé, was found in unlawful possession of a controlled drug, namely Heroin (diamorphine) with net weight of 15.2 grams with Heroin (diamorphine) content of 8.66grams.

- [2] On the same date, learned Counsel Mr Rajasundaram made his plea in mitigation on behalf of the convict. He submitted that he too wished to save the time of court and therefore did not wish to call for a probation report.
- [3] Learned Counsel Mr Rajasundaram submitted in mitigation that the convict is a first offender. He further submitted that though the analyst report states that the substance taken into custody weighed 15.2 grams, the purity content of Heroin was 8.66 grams. He admitted that the controlled drug is a monster in the country but only a minimal amount was found in the possession of the convict. He brought to the attention of Court the cases of Republic v Neddy Cadeau [2020] SCSC 355 where this Court had given a suspended sentence and fine and Esparon v Republic SCA 24 of 2019 where a sentence of three years' imprisonment was given as the quantity was very high.
- [4] I will distinguish this case from the other cases mentioned by learned Counsel, as the controlled drug was Cannabis, a Class B drug in the *Cadeau* case and the purity content of Heroin in the *Esparon* case was 15.5 grams, more than the quantity in this case. Further the charge in the *Esparon* case was trafficking whilst the charge in this case is possession of a controlled drug.
- [5] He further submitted that the convict was 32 years of age and a casual worker with the Etoile Car Hire. He also referred to the medical condition of the convict stating he had

severe bronchitis issues. He moved that the Court impose a suspended sentence on the convict.

- [6] I have considered the facts set out in mitigation. I will take into consideration the fact that the convict has pleaded guilty thereby saving the time of Court. I also observe that convict has committed the offence as far back as 2018 and the case has been before two courts since it was filed in 2019. The case now falls into the category of back log cases. The convict has decided on his own free will to plead guilty without wasting any further time. The prosecution on their part has amended the trafficking charge to one of possession to expedite the conclusion of this case.
- [7] Considering the abovementioned facts peculiar to this case, the fact that he has pleaded guilty is a strong mitigating factor in his favour. The recommended sentence according to the Sentencing Guidelines for such an offence of Possession / Trafficking in the specified quantity of 8.66 grams of a Class A controlled drug, is between 2 to 5 years' imprisonment. As the controlled drug is a Class A drug and as the pure quantity is over 2 grams, I am inclined to impose a custodial term of imprisonment, even though the charge in this case is one of possession considering the nature and quantity of the controlled drug.
- [8] I have observed that there is a probation report dated 21 July 2020 in the file which confirms the fact that the convict was born in 1991. It is apparent from the report that the convict has become drug dependent on Heroin since he was 15 years of age. He has expressed his wish to engage in a drug rehabilitation program.
- [9] I proceed to sentence the convict to a term of six months' imprisonment. During this period of time he is to undergo rehabilitation treatment. Copy of this sentence to be served on the Commissioner of Prisons to ensure that he is referred to a rehabilitation program during his confinement.

[10] Time spent in remand to count towards sentence.

Signed, dated and delivered at Ile du Port on 04 April 2025.


4-4-25
M Burhan J

