

SUPREME COURT OF SEYCHELLES

Reportable

CO 04/2024

In the matter between:

THE REPUBLIC

(rep. by Gulmette Leste)

Republic

and

RACHEL MARIANNE DOGLEY

(rep. by Basil Hoareau)

Convict

Neutral Citation: *Republic v R Dogley* (CO 04/2024) (11 December 2025)

Before: M Burhan J

Summary: Sentence -Manslaughter contrary to section 192 of the Penal Code (Cap 158) and punishable under section 195.

Heard: 4 December 2025

Delivered: 11 December 2025

ORDER

Giving due consideration to all the circumstances of this case, I proceed to sentence the convict Rachel Marianne Dogley as follows:

Count 2- to a term of ten years' imprisonment.

SENTENCE

BURHAN J

[1] The convict Rachel Dogley by amended charge sheet dated 22 October 2025 stands charged as follows:

Count 1

Murder, contrary to Section 193 of the Penal Code and punishable under Section 194 there under

The particulars are that, Rachel, Marianne Dogley, a 39 years old female, Assistant Laundry Manager at Anantara Maia Seychelles Villas, residing at Pointe Larue, Mahe on the 21st day of December 2023, at Pointe Larue, Mahe murdered her mother Rosie Anne Bistoquet, a 62 year old female, Member of the National Assembly residing at Pointe Larue, Mahe.

Count 2 in the Alternative to Count 1

Manslaughter, contrary to Section 192 of the Penal Code (Cap 158) and punishable under Section 195 thereof.

Particulars of offence are that, Rachel Marianne Dogley, a 39 year old female, Assistant Laundry Manager at Anantara Maia Seychelles Villas, residing at Pointe Larue, Mahe on the 21st day of December 2023, at Pointe Larue, Mahe, unlawfully hit the head of her mother Rosie Anne Bistoquet, a 62 year old female on the floor causing her to be unconscious thereby causing the food content in her stomach to be vomited and to pass through her respiratory tract which resulted in the death of the said Rosie Anne Bistoquet.

[2] The convict Rachel Marianne Dogley on 23 October 2025, pleaded guilty to the aforementioned alternative Count 2 in the amended charge sheet and was convicted of same.

[3] Section 195 of the Penal Code states;

Any person who commits the felony of manslaughter is liable to imprisonment for life."

[4] At the request of learned Counsel for the convict Mr Basil Hoareau, a probation report was called, prior to mitigation and sentence.

- [5] I have considered the facts set out in the probation report. The convict is 41 years of age and the mother of two children aged fifteen and thirteen. At present she is a single parent. The convict completed her primary and secondary studies and then pursued post-secondary studies for an additional year at the Seychelles Hospitality and Tourism Training Centre, specialising in housekeeping and graduated with a certificate in same. She commenced her employment as a housekeeper at Fregate Island where she worked for a period of one year and thereafter was moved to the laundry department. For the past 15 years, she held the post of laundry manager at Anantara Maia Hotel. It appears from the report that all the family members including her brother, father, the concubine of her children and the children themselves have been greatly affected by the said incident. At present the youngest child is in the care of the brother of the accused. I observe that none of the close relations interviewed by the probation express much sympathy towards the convict and deceased's nephew even states that convict should be given the maximum sentence for the said offence to ensure the accused realises the gravity of her actions.
- [6] At the request of her learned Counsel this Court called for a medical report which reports that she was treated for a single episode of severe depressive disorder whilst in remand custody after the incident.
- [7] It also appears from the Probation Officer's report that all family members of the deceased interviewed, refer to the deceased-victim, the mother of the convict, as a devoted mother full of life and love who prioritised the well-being of her children even when they grew up into adults. Whenever she went overseas she would buy gifts for all her children and it is stated she had helped the convict in the construction of her house as well. The Probation Officer after interviewing family members extensively reports that there is no justification for the action of the convict as the deceased her mother was a loving mother who helped the victim even after she became an adult and the act of the convict in killing her own mother has "*reverberated throughout the community*" and it appears has had a significant and lasting effect on all the close family members. The probation report states that the convict has not shown any remorse for her actions and recommends a deterrent custodial term of imprisonment to deter future offences of this nature being committed.

- [8] In mitigation learned Counsel Mr Basil Hoareau referred to the personal and family circumstances of the convict. He stated that the convict has two children aged 13 and 15. He stated that the convict by pleading guilty to the offence of manslaughter has shown remorse and also saved the precious time of the court. He acknowledged the victim was the mother of the convict. He moved this Court to consider the age of the convict and the fact that she has two young children who need the guidance of their mother. He submitted that the convict is a single parent doing a permanent job as a laundry manager in Maia Hotel for the past 15 years and was in stable employment. She has no previous convictions as confirmed by the prosecution and prior to this incident has been a good mother.
- [9] Learned Counsel referred to the incident as an unfortunate incident and an incident which is out of character of the accused person. He referred to the particulars of the offence and stated that the immediate/direct cause of death was asphyxia and not the injury caused to her head. He further stated that it is pertinent to note that no weapon was used in this case and the convict was slapped by the victim. He submitted that it was not a case of an intention to cause grievous harm or death and urged the court to treat this as a case of involuntary manslaughter as no weapon was used, there was no wounding and there was a disagreement between the parties and her mother had slapped her. He submitted that involuntary manslaughter is less serious than voluntary manslaughter.
- [10] Learned Counsel referred to the following cases Republic v Pricilla Renaud (CR 05/2025) (20 October 2025) where a sentence of six years' imprisonment was imposed in a charge of manslaughter even though the accused had a previous conviction. He also referred to the case of Republic v Quatre (CO36/2023)[2023] (11 December 2023) and Republic v Isidor (CO 01/20) [2024] (19 January 2024) where sentences of nine and eight years' imprisonment were imposed and submitted that in these two cases weapons i.e. a knife and machete respectively were used in the killing. He submitted that this case could be distinguished from those cases as no weapon was used. He further submitted in mitigation that the convict in this case does not have a violent disposition which is also a matter which this Court will have to take into account. He moved that a sentence of six years' be imposed

which would be in uniformity with other sentences imposed in similar circumstances and in accordance with the Constitution.

- [11] In the case of Emmanuel Saffance v R [2020] SCCA 29 (18 December 2020) the Seychelles Court of Appeal in coming to the decision to enhance the sentence from 15 to 20 years Twomey JA held:

“In a hierarchy of seriousness, where the highest culpability for each of the offences of homicide are considered, the offence of murder would be at the summit, followed by voluntary manslaughter and then involuntary manslaughter committed by an unlawful act and lastly gross negligence manslaughter. These levels of culpability should, in my opinion, be reflected in the penalty imposed for the offence committed.”

- [12] Archbold Criminal Pleading and Practice 2008 edition 19-97 states voluntary manslaughter occurs when all the elements of murder are present including an intent to kill or cause grievous bodily harm but the crime is reduced to manslaughter by reason of a) provocation b) diminished responsibility or c) death being caused in pursuance of a suicide pact. Involuntary manslaughter is unlawful killing without intent to kill or cause grievous bodily harm and are divided into two classes namely unlawful act manslaughter and manslaughter by gross negligence involving breach of duty at 19-98.

- [13] In this instant case from the prosecution facts set out at the time of taking the plea which were accepted by the convict, it is clear a fight broke out between the mother (deceased/victim) and the daughter (convict) and during the altercation when the victim fell down, the convict had pressed the head of the victim down and the victim had bitten the convict. The convict then proceeded to hit the head of the victim on the floor which resulted in her losing consciousness. At the post mortem, it was revealed that death was due to multiple head trauma that caused concussion which caused vomiting to occur, resulting in the food passing through the respiratory tract which caused mechanical asphyxia which was the direct cause of death.

- [14] The case of Njue v R (2016) SCCA 12, (at para 14) set out the principles a court should consider when sentencing which include public interest; the nature of the offence and the circumstances it was committed. The Court at the same time must consider whether there is a possibility of the offender to be reformed; the gravity of the offence; the prevalence of the offence; the damage caused; any mitigating factors; the age and previous records of the accused; the period spent in custody; and the accused's cooperation with law enforcement agencies. These factors can be grouped into three categories namely - looking at the crime committed, the offender and the interests of society (Emphasis added). Case law indicates that sentencing cannot be based on mathematical deductions but must be decided on a case by case basis depending on the circumstances referred to above.
- [15] One of learned Counsel for the convict's main contention in mitigation is that unlike other cases, in this instant case no weapon was used. Although no such weapons were used, the hitting of the head of the victim on the ground by the convict, with such force that the 62 year old victim got concussed and lost consciousness, does not mitigate the offence in any way, as what resulted was grievous harm and eventually death due to asphyxia. There is no evidence of battered women syndrome as in the case of R v Pricilla (supra). Unlike the cases referred to by Counsel, the most aggravating factor in this case and what makes it different from all other cases referred to by learned Counsel, is that the convict caused the death of her own mother, a caring, loving and respected person as per the probation report. In the context of the facts of this case, the absence of the use of a weapon in the commission of the crime, pales into insignificance.
- [16] I observe from the probation report that her own close relations have very little sympathy for her as they all feel the personal loss of a person respected and loved by them. The convict in this case is well aware of the seriousness of what she has done to a person she knew and who trusted and loved her. The probation report recommends a deterrent custodial term of imprisonment to deter future offences of this nature being committed.
- [17] Giving due consideration to all the aforementioned factors, I would have sentenced the convict to a term of fifteen years' imprisonment given the serious nature of the offence and for lack of remorse had she been found guilty of manslaughter after trial. However, she has

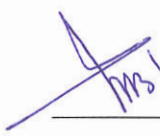
pleaded guilty at the very first instance the charge was amended and by doing so, expressed remorse and circumvented the time and resources spent in a jury trial. Therefore, although the probation report states the convict has not expressed any remorse, the convict has done so by pleading guilty. I also note the mixed emotional difficulties the children and close relatives are undergoing as set out in the probation report.

[18] Giving due consideration to all the circumstances of this case, I proceed to sentence the convict Rachel Marianne Dogley as follows:

Count 2- to a term of ten years' imprisonment.

[19] Considering the lengthy period spent in remand by the convict, this Court makes order that the time spent in remand count towards sentence.

Signed, dated and delivered at Ile du Port on 11 December 2025.


M Burhan J

The seal of the Supreme Court of Seychelles is a circular emblem. It features a central sunburst or star-like symbol surrounded by a wreath. The words "SEYCHELLES" and "SUPREME COURT" are inscribed around the perimeter of the seal.