

**Republic v Crispin
(2008) SLR 300**

Ronny GOVINDEN for the Republic
Karen DOMINGUE for the accused

Sentence delivered on 31 March 2008 by:

GASWAGA J: Maureen Crispin has been convicted of the offence of manslaughter contrary to section 195 of the Penal Code. It will be recalled that the charge alleged that Maureen Crispin on 18 May 2007 at Bel Air, Praslin, unlawfully killed Jourdan Bristol.

The facts disclosed are that on 17 May 2007 the accused came back at 10:00 pm and found the door of her house open. Jourdan, the deceased was lying on her bed. The accused asked him to leave because the previous night they had had a fight. The deceased refused to go away. The accused returned to her mother's house to avoid further problems. At some point in time the accused saw Jourdan outside the house speaking to one of their neighbours namely Ricky. Jourdan also had a club in his hands. The accused seized that opportunity to rush into her house. She closed the door and refused to open it fearing that the deceased would assault her. Jourdan then headed for the window which only had a cloth curtain as the louver blades had been broken by the deceased himself long before. By this time the deceased had already started hitting the accused with the club. Being tired of the abuse and physical assault always inflicted upon her by the deceased, she grabbed a knife which was on the nearby table and stabbed him several times. She did not know which part of the body she had stabbed. The deceased did not cry and everything went silent. She believed that the deceased had left. It was after a while when she looked through the window that she saw Jourdan lying on the ground facing upwards. She noticed a cut on his chest that was still bleeding. She covered it with a piece of cloth. It was the next day, while under police custody, that she learnt of Jourdan's death.

The convict has saved the precious time of the Court by pleading guilty. She has showed remorse. Her previous record shall be disregarded since it does not relate to the current offence. She regrets her actions and during mitigation she was crying in the dock.

The probation report and the address in mitigation have been of immense assistance in helping the Court to arrive at a suitable sentence. It was disclosed that the deceased who was always aggressive towards the accused had provoked her on the material day. Several reports to that effect had been filed by the accused at the police station before the incident.

I have taken into account the fact that the convict, aged 32, is unemployed and a mother of three children. She was cohabiting with the deceased, a man she says she loved so much. The Court also had the opportunity to consider all the authorities cited

by defence counsel. *Republic v Claude Labrosse* Cr No 41 of 2006 (3 years), *Annette Juliette v Republic* SCA 6 of 2006 (9 years reduced to 5 years), *Republic v Marc Expedie Quatre* (1993) SLR 152 (4 years), *Republic v Yvon Rafael Marie* Cr No 18 of 1993 (8 years), *Republic v Jean Accouche* Cr No 109 of 2004 (7 years), *Republic v Daien Finesse* Cr No 16 of 1989 (5 years).

A comparison of sentences passed in similar offences by this Court and the Court of Appeal which in most cases reduced the sentences has been done. It is noted that those sentences indeed reflect the then prevailing crime situation in the country. Today the crime situation is completely different.

The victim died of stab wounds occasioned by the accused. Although she was provoked she should not have taken the law into her hands.

In those circumstances, it is opined by this Court that the most appropriate sentence would be 5 years imprisonment.

The time spent on remand is to be counted as part of this sentence.

The convict is free to appeal against the sentence.

Record: Criminal Side No 25 of 2007