

SUPREME COURT OF SEYCHELLES

Reportable
CO 55/2024

In the matter between:

THE REPUBLIC
(represented by Mrs. Kimberly D'Offay)

PROSECUTION

Versus

EUGENE JUDE LAURENCINE
(represented by Mr. Joel Camille)

ACCUSED

Neutral Citation: *The Republic vs Eugene Jude Laurencine* (CO 55/2024) (23rd January 2026)
Before: Adeline J
Summary: Sentencing on conviction on a guilty plea for the offence of Trafficking in a Controlled Drug, Having Found in Unlawful Possession with Intent to Traffic.
Heard: Submissions (plea in mitigation)
Delivered: 23rd January 2026

FINAL ORDER

Pursuant to Section 282 (1) read with Section 282 (3) (a), I sentence the accused/convict to serve a term of imprisonment of two years in prison suspended for three years on condition that during the three years he is not charged with any drugs related offences. I also fine the convict the sum of SCR 20,000 which sum must be fully paid within a period of 1 year as of today, in default of which he shall serve a default sentence of 1 year imprisonment. The convict has 30 drugs as of today to appeal to the Court of Appeal against the sentence.

SENTENCE

Adeline J

FACTUAL AND PROCEDURAL BACKGROUND

[1] Eugene Jude Laurencine, the accused now a convict, is a 52 year old who on the 29th July 2024 was indicted before this Court with a single count of Trafficking in a Controlled Drug, having been found in unlawful possession with intent to traffic contrary to Section 9 (1) read with Section 19 (1) (c) of the Misuse of Drugs Act, 2016 and punishable under Section 7 (1) specified in the Second Schedule of the Misuse of Drugs Act, 2016 (Count 1).

[2] The particulars of the offence in the indictment read as follows;

“Eugene Jude Laurencine, holder of NIN 969 –0113-3-1-52, a resident of Baie Ste Anne, Praslin, on the 14th July 2024, on Cat Coco Ferry docked at Baie Ste Anne Jetty, Praslin was Trafficking in a controlled drug by virtue of having been found in unlawful procession of a class A controlled drug, namely, cocaine having a net weight of 99.39 grams giving rise to a rebuttable presumption of having possession of the said controlled drug with intent to traffic in contravention to the Misuse of Drugs Act, 2016.”

[3] On the 14th October 2024, the accused/convict pleaded not guilty to the indictment, and the trial was fixed for three days, the 17th, 18th and 21st July 2025.

[4] On the first day the trial was to proceed on the 17th July 2025, the Prosecution sought leave of this Court to amend the indictment against the accused/convict which learned defence Counsel did not object. Leave was accordingly granted.

[5] The statement of the offence in the amended indictment reads as follows;

“Trafficking in a Controlled Drug, having been found in unlawful possession with intent to traffic contrary to Section 9 (1) read with Section 19 (1) (c) of the Misuse of Drugs Act 2016 and punishable under Section 7 (1) specified in the Second Schedule of the Misuse of Drugs Act, 2016 (count 1).”

[6] The Particulars of the offence in the amended indictment pertaining to Count 1 reads as follows;

“Eugene Jude Laurencine, holding NIN 969 – 0113 – 3 – 52 and resident of Baie Ste Anne, Praslin, on the 14th July 2024, at the Inter Island Quay, Victoria, Mahe was trafficking in a controlled drug by virtue of having been found in unlawful possession of a class A drug namely cocaine having a net weight of 99.39 grams giving rise to a rebuttable presumption of having possession of the said controlled drug with intent to traffic in contravention of the Misuses of Drugs Act, 2016.”

- [7] On the 23rd July 2025, the Accused now convict, pleaded guilty to the amended indictment and was accordingly convicted of one count of trafficking in a controlled drug having been found in unlawful possession with intent to traffic.
- [8] The accused/convict, was convicted on his admission of the facts pertaining to the offence as narrated by the Prosecution, which were, that on the 14th July 2024, Police Officers from the Organised Crime Unit received credible information that the accused/convict, Eugene Laurencine of Baie Ste Anne, Praslin was about to board the Ferry, Cat Coco to Praslin and that there were drugs in his possession. Police Officers proceeded to the Jetty, and with the permission of the Ferry Captain, they boarded Cat Coco. In one of the passenger seats, they identified Eugene Laurencine, the accused/convict.
- [9] The accused/convict was approach by Police Officer WPC Larue who identified herself to him showing her ID. The accused/convict was removed from Cat Coco and escorted to a Police vehicle that was parked close by. He was taken to the Police Station. Whilst in the Police vehicle, PC Bradburn who was also present amongst other Police Officers, witnessed the accused/convict as he reached the left pocket of his short with his left hand, and removed it from a clear plastic containing a substance suspected to be controlled drugs and dropped on the floor of the vehicle.
- [10] The accused/convict was taken to the Police Station where in the presence of other Police Officers, PC Bradburn pointed out to the accused/convict the nature of the offence against him. The accused/convict was arrested, cautioned and informed of his Constitutional Right. He opted to exercise his right to remain silent.

[11] To assist learned defence Counsel with plea in mitigation, learned defence Counsel sought for a Pre-sentence Probation Enquiry Report which report dated 1st September 2025, was made readily available to the parties in the case as well as the Court.

THE PRE-SENTENCE INQUIRY PROBATION REPORT

[12] The highlight of the Report are that the accused/convict is a 55 year old man born on the 7th September 1969. He is the son of a couple by the name of Joseph Lesperance and Joseline Laurence. He is single and has no children. At present, he lives with his parents at Baie Ste Anne, Praslin.

[13] The accused/convict attended his primary and secondary school education at the Baie Ste Anne, Praslin school following which he attended the National Youth Service for two years. The accused past employment has been in the field of construction, particularly, rock drilling, and masonry. He has also worked as a fisherman, and nowadays he does casual works. Health wise, he has a health issue having had a liver problem and is undergoing treatment that is expected to last for 6 months.

[14] The accused/convict's version of events that led to the indictment, Prosecution and his conviction for the offence of trafficking in a controlled drug having been found in unlawful possession with intent to traffic, is that after someone approached him and gave him the task of clearing a plot of land, he recruited some workers to undertake the job. Those workers were drugs addicts who had to consume drugs before they start doing the works in the morning. To have the drugs available to give them, he used to purchase the drugs on Mahe because drugs were cheaper on Mahe than Praslin. On the day of the incident, the accused/convict had purchased the drugs on Mahe and had the drugs in his possession as he took Cat Coco Ferry heading back to Praslin.

[15] The accused/convict conceded, that he has been a drugs addict himself and that he started using drugs, Cannabis, when he was 18 years old. He was introduced with heroin 15 years ago during which time he uses heroin and became a heroin addict. Two years ago, he enrolled himself on the Methadone drugs rehabilitation programme and is still on the programme to date.

SUBMISSIONS IN PLEA IN MITIGATION

- [16] In plea in mitigation, learned defence Counsel submitted, that the Court should take into account, in sentencing the convict, that the convict has pleaded guilty to the amended charge at the first available opportunity thus saving the Court's precious time and resources. Learned Counsel added, that by pleading guilty to the charge, the accused/convict has effectively shown remorse for the offence he committed. It was the submission of learned Counsel, that although the drugs found in the possession of the convict was 99.39 grams of cocaine, the purity of the drugs was not established and remains unknown. Learned Counsel reminded the Court that the taking of responsibility for the offence committed is one of the mitigating factors under the Misuses of Drugs Act, ("MODA").
- [17] Learned Counsel, also addressed the personal and family circumstances of the accused/convict as reported in the Probation Enquiry Report, particularly, his addiction to drugs at the time he committed the offence as well as the fact that he needed the drugs to supply to the workers who were helping him with the clearing of the site. Learned Counsel emphasised, that the drugs found in the convict's possession was for his personal use rather than for commercial purposes, and as such, the Court needs to take that into consideration.
- [18] It was submitted by learned Counsel, that the accused/convicts regrets having committed the offence, and begs the Court to exercise leniency by imposing a non-custodial sentence, given that he is a carer for this old parents who need his presence and assistance in the family home. Learned Counsel cited the case of the Republic vs Edward Abazz Adelona and Hendrick William, in which the amount of class A drugs, cocaine, was 51.02 grams without the purity of the drugs known, and the Court imposed a sentence of 1 year imprisonment suspended for two years, and fine of SCR 15,000.

THE APPLICABLE LAW FOR SENTENCE

- [19] The offence of trafficking in controlled drug, having been in unlawful possession of a controlled drug with intent to traffic, is an offence in contravention of Section 9 (1) read with Section 19 (1) of the Misuse of Drug Act, 2016. Section 9 (1) read as follows;

“9 (1) A person who possesses a controlled drug, whether lawfully or not, with intent to traffic in contravention of this Act, commits an offence of trafficking and is liable on conviction for the penalty specified for an offence under Section 7 (1).”

[20] Section 19 (1) (c) reads;

“19 (1) (c) A person who is proved or presumed to have in his or her possession or custody, or under his control 2 grams or more of diamorphine (heroin) or cocaine shall be presumed, until the person proves the contrary, to have had the controlled drug in his or her possession with intent to traffic in contravention of Section 9 of this Act.”

[21] A person convicted of such offence, is liable for the punishment prescribed under Section 7 (1) read with the second Schedule of the Misuse of Drugs Act, 2016. Section 7 (1) reads:

“ 7(1) A person who traffics in any quantity of a controlled drug, whether on his or her own behalf or on behalf of another person whether the other person is in Seychelles or not in contravention of this Act commits an offence of trafficking and is liable on conviction to the penalty specified in the Second Schedule.”

[22] The penalty specified in the Second Schedule for the offence under Section 7 (1), the offence of trafficking in a class A drug is life imprisonment, and a fine of SCR 750,000.

[23] In meting out the appropriate sentence that would be a “just desert” one, I have had regard to Section 26 of the Penal Code that reads as follows;

“26 Imprisonment

(1) A person liable to imprisonment for life or any other period may be sentenced for any shorter term

(2) A person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment.”

[24] As I consider the mitigating factors raised by learned Counsel in plea in mitigation and mull over the possible sentence that will do justice in this case, I am reminded of the mitigating factors under Section 49 of the Misuse of Drugs Act, 2016 the relevant ones for the purposes of this sentence being the following;

1. The accused/convict admission of the charge through his early guilty plea.
2. The absence of any commercial element in the offence of which the accused/convict has been convicted, and
3. The absence of any prior conviction.

[25] I have also had regard to Section 48 of the Misuse of Drugs Act, 2016 for possible – aggravating factors to be taken into account. None of the factors under Section 49, (a) – (g), has existed and or, brought to the Court’s attention.

[26] Consideration has also been given to Blackstone’s literature. Blackstone’s Criminal Practice (2012), paragraph E12, Page 2148, instructs us, that a guilty plea earns an accused person a reduction in sentence as it saves time of the Court and reduces considerable cost, and in the case of an early plea, saves inconvenience of witnesses to give evidence before the Court. It adds, that “*reduction should be a proportion to the total sentence imposed calculated by reference in which the guilty plea was indicated, especially at what stage of the proceedings.*”

[27] It must also be borne in mind, that when meting out the sentence that would do justice to this case, that the principles for the rationale or purpose of sentencing be given thought to. These principles as expounded in the case of Lawrence vs Republic [1990] 47, are deterrence, prevention, rehabilitation, reformation and retribution.

[28] All in all, and pursuant to Section 282 (1) read with Section 282 (3) (a), I sentence the accused/convict to serve a term of imprisonment of two years in prison suspended for three years on condition that during the three years he is not charged with any drugs related offences. I also fine the convict the sum of SCR 20,000 which sum must be fully paid within a period of 1 year as of today, in default of which he shall serve a default sentence of 1 year imprisonment. The convict has 30 drugs as of today to appeal to the Court of Appeal against the sentence.

Signed, dated and delivered at Ile du Port on the 23rd January 2026.

