

SUPREME COURT OF SEYCHELLES

Reportable
CR 63/2024

In the matter between:

THE REPUBLIC
(rep. by Mrs. L. Monthy)

Prosecution

and

SONNY VALENTIN
(rep. by Mr. A. Juliette)

Accused

Neutral Citation: *R v Sonny Valentin & Ors* (CR63/2024) [2026] (7th April 2026)

Before: A. Madeleine, J

Summary: Sentence on guilty plea under the Misuse of Drugs Act, 2016 (as amended) –
Importation of a Controlled Drug – Trafficking in a Controlled Drug

Heard: 2nd December 2024, 19th February 2025, 4th November 2025

Delivered: 7th April 2026

ORDER

I therefore sentence the Convict under Count 1 to a term of imprisonment for 15 years. He is entitled to remission. Time spent on remand is to be deducted from the term of imprisonment.

SENTENCE

A. MADELEINE, J

[1] The Convict, Sonny Valentin, pleaded guilty to Count 1 of the original charge filed in this criminal matter on 2nd December 2024.

[2] Count 1 of the said charge states that –

“Count 1

Statement of offence

Importation of a controlled drug in contravention of the Misuse of Drugs Act 2016 contrary to section 5 read together with Section 48 (1) (a) & (b) of the same Act and section 22 of the Penal Code punishable under section 5 and the second schedule of the Misuse of Drugs Act.

Particulars of offence

Dylan Neddy Charles Kate, 22 years old, unemployed of Beau Vallon, Mahe, **Sonny Christopher Justin Valentin, 41 years old, Driver of Anse Royale, Mahe**, Oris Richard Tirant, 26 years old, Skipper of La Passe, La Digue on the 7th of October 2024, imported into Seychelles, controlled drug, namely Cannabis (Herbal materials) with a net weight of 29.94 kg, Heroin (Diamorphine) with a net weight of 25.19 kg and Hashish (Cannabis Resin) with a net weight of 137.18 kg, by causing the said controlled drug to be imported into Seychelles through the vessel named *Guru* at 04°05.066` S, 056°04.846` E approximately 17.14 nm North East of Grande Soeur, Seychelles.

- [3] The Convict also admitted the facts of the prosecution.
- [4] According to the prosecution, on 7th October 2024, while on routine patrol on board the Topaz near Fregate island, officers of the coast guard were alerted of an identified boat at position 03 degrees 55 point, 305 degrees south, which is 56 degrees, 38.001 degrees east, approximately 75 nautical miles to their location. The boat was heading West at 18 knots.
- [5] The Topaz changed its course and proceeded to the new position. Updated coordinates showed that the boat had changed course at 241 and reduced the speed to 40 knots. At 1645 hours, the boat was spotted at position 4 degrees, 03.669 degrees south; 056 degrees 04.011 degrees east which is 16.8 nautical miles northeast of Grand Soeur.
- [6] Topaz reached the said boat at 1700 hours. The boat tried to flee despite verbal warnings. A warning shot was fired in the water near the boat. According to information received from the air force plane that was supervising the operation, several items were observed being thrown overboard the *Guru*.

- [7] The boat was eventually stopped at the position of 4 degrees 05.066 degree south; 056 degrees, 04.846 degree east, which is approximately 17.14 nautical mile northeast of Grand Soeur, Seychelles. And the vessel was identified as the 'GURU'.
- [8] When the Coast Guard boarded the GURU, three crew members were found on board including the Accused Mr Sonny Valentin. The boarding team also found five suspicious gas cylinders which appeared to have been tampered with. The cylinders were retrieved in a position 4 degrees 03.500 degree south, 056 degrees, 04.560 degrees east.
- [9] At approximately at 1845 hours, the Topaz escorted the GURU back to Mahe along with the three accused persons, including the Convict, arriving at the Seychelles Coast Guard jetty at 2340 hours.
- [10] Thereupon, the police took custody of the all the Accused persons, including the Convict at 0005 hours, and seized all electronic devices along with the five gas cylinders on board the GURU. The accused persons were arrested for the offence of Trafficking in a Controlled Drug, cautioned, and informed of their constitution rights.
- [11] The Convict gave a voluntary statement under caution stating that on the 4th October 2024, he received a phone call from an anonymous person who offered him a reward of SCR300,000/- to collect some drugs *outside the Seychelles waters*. On the 5th October 2024, he received another phone call from that same person who instructed him to go to Providence jetty to meet with a man whom he knows as 'Rasta' and the skipper. According to the statement, on the said date, the Convict, left in a boat the GURU.
- [12] Around Sunday the 6th October 2024, Convict saw an Iranian Dhow. He boarded the Dhow and a person on board the Dhow showed the drugs that was in the gas cylinder to him. There were in total of five gas cylinders. They loaded the gas cylinders on their boat. On the way to Mahe they noticed the coast guard vessel coming towards their direction, and he threw away the mobile phone, the satellite phone and the five gas cylinders.
- [13] Later on, the five gas cylinders that were retrieved and opened by the Seychelles police and it was found to contain a total amount of cannabis resin weighing 137.18 kg, herbal materials that were identified to be cannabis weighing 29.94 kg and heroin diamorphine

weighing 25.19 kg. All of these drugs were identified by the forensic laboratory by the police.

[14] Following this, the Convict was detained into police custody, produced in court and charged with the offence of importation of a controlled drug to which he has pleaded guilty.¹

[15] The Convict was convicted upon his unequivocal guilty plea and admission of prosecution's facts for the offence of Importation of a controlled drug.

[16] The prosecution informed the Court that the Convict was he was a first-time offender. On request of Counsel for the Convict, the court ordered for a pre-sentencing report.

[17] According to the pre-sentencing report², the Accused was 41 years of age at the time of the offence. He is the youngest of 5 children who grew up with a great-grand aunty who is deceased. The convict is single and has two children aged 13 and 14 from a previous relationship. He completed primary and secondary education at Anse Royale schools. The convict has worked as a fisherman since a young age. His last employment has been sea cucumber harvesting for around eight years, fisherman for around two years and for five prior to his arrest and remand into custody, he has been working as a diver collecting octopus and lobster. According to Convict's version of the offence, he was struggling financially to take care of his children as a result of separation with his partner, the mother of his two children. He is deeply remorseful and sorry as he is used to struggles in life without having taken part in illegal activities.

[18] The pre-sentencing report recommends a minimum custodial sentence.

[19] In mitigation³, Counsel for the Convict asked the court for leniency in sentencing considering that he pleaded guilty to the offence at the earliest available opportunity as he did not want to waste the Court's time. Counsel adopted the pre-sentencing report's antecedents as to the Convict's age, educational background, employment status, family

¹ Transcript of proceeding of 2nd December 2024

² Dated 25th January 2025

³ Transcript of proceeding of 19th February 2025

background, children etcetera. Counsel reiterated that Convict a first offender who has pleaded guilty to very serious offences at the very first opportunity accorded him. In doing so, Convict has substantially saved the precious time of the Court in respect of himself. It was also stressed that the Convict is *'highly, highly remorseful of his actions and recognises the consequences that will follow from his guilty plea in this matter'*.

[20] Counsel further invited the Court to consider that the Convict's involvement in the matter, as made out in the section 101-application submitted to court and as will eventually come out in evidence, *"was purely to board a boat to pick up allege contraband and transport it back home."* The specific element of his involvement in the matter is basically transportation which is not denied. Convict does not deny that he formed part of a group to transport the alleged drug, but he had no specific involvement in the actual organisation and importation of the drug per say.

[21] The Court is also asked to consider that the Convict had succumbed to influenced by others as he was in a state of extreme financial desperation. His financial situation compelled him to agree to go with three others on a boat to transport illegal contraband and he is highly remorseful. He understands the unlawfulness and consequences of his actions. He understands also that had he ever come to fruition, had it been successful, had it not been apprehended, the drugs would no doubt have caused substantial harm to others. He understands all those and is remorseful of those facts. He also understands that there will be a custodial sentence imposed on him, However, he pleads that the court exercises its discretion in understanding that he is so sorry and, asks the Court's forgiveness in the Court considering passing a lighter sentence on him given his specific circumstances and the actions he took before the Court.

[22] At first, Counsel stressed that sentence be delivered after the court hears all the evidence in the matter in order to appreciate the degree of involvement of the Convict being one of purely transportation of the drug from a boat to another boat at sea to Mahe –

"And like I said, we do not know whether you will deliver the sentence prior to hearing the whole case or after, but you will see that the involvement will

come clear as to who specifically was involved in the actual planification of the importation, what role he actually played in this matter.”

“The drugs came from a foreign country apparently, according to the prosecution and his role was from Mahe to a boat at sea. So, I am sure you will hear all the evidence before you pass sentence on him. The sentence will be a custodial sentence in anyway, so once you hear the whole facts I am sure you will understand the role that he played specifically in that particular charge.”

“And as I stated, it was an act of desperation of financial needs and by being influenced by others, he decided thinking that he would probably get some money to solve his problem. Although that is kind of a defence per say, it never is a defence but for mitigating circumstances I hope you will understand that. But I do, I am going to stress that sentence be delivered after we hear the whole case.”

[23] The Court was then informed that the sentence may be delivered before the Court hears all the evidence in respect of the others .⁴

[24] In determining the appropriate sentence to be imposed on the convict in the particular circumstances of his case, I am guided by the following sentencing principles from earlier court decisions. Sentencing does not involve the mere administration of a common formula [vide *Poonoo v Attorney General (2011) SLR 423*] but the human deliberation of what punishment would appropriately protect the public by deterring and preventing others from committing such offences. Also, what sentence would appropriately provide the necessary rehabilitation, reformation, and retribution for the convicted person [vide *Lawrence & Another v Republic [1990] SLR 47* and *Savy v R (1976) SLR 54*. As aptly put by Domah JA (as he then was) in *Poonoo* (supra): “**sentencing involves a judicial duty to individualize the sentence tuned to the circumstances of the offender as a just sentence**”

⁴ Transcript of proceedings of 4th November 2025

[25] The Court of Appeal in *Njue v R (2016) SCCA 12* per Msoffe JA (as he then was) held that a sentencing court should have regard to the following elements –

- “(i) public interest,*
- (ii) nature of the offence and the circumstances under which it was committed,*
- (iii) For a first offender the emphasis should be on the reformative aspect,*
- (iv) the gravity of the offence,*
- (v) the prevalence of the offence,*
- (vi) the damage caused i.e. seriousness of injury caused in an assault, rape, in a case of drug its impact on society, etc.*
- (vii) the mitigating factors,*
- (viii) the age and previous record of the accused,*
- (ix) the period spent in remand custody, and*
- (x) the accused’s cooperation with law enforcement agencies.”*

[26] I also consider that a guilty plea would earn an accused a reduction of sentence as it saves time of the court and reduces considerable cost, and in the case of early guilty plea, it saves considerable inconvenience to the victim and witnesses to be called to give evidence.⁵ Furthermore, a reduction should be a proportion to the total sentence imposed calculated by reference to the circumstances in which the guilty plea was indicated, in particular at what stage of the proceedings. A guilty plea usually affords a credit of one third of the sentence that the court would otherwise impose.

[27] I first consider the public interest in seeing that the community and our vulnerable youth are protected from harm caused by controlled drugs and in condemning such acts. I also consider the serious nature of the offence of Importation of a Controlled drug which carries a maximum sentence of life imprisonment and fine of SCR.1 million. The minimum indicative sentence for the aggravated offence of importation of a class A drug, like Heroin

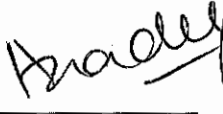
⁵ Blackstone’s Criminal Practice (2012)

is 20 years' imprisonment and of class B drug like cannabis herbal materials and cannabis resin is 15 years imprisonment.

- [28] The controlled drugs which the Convict had been transporting to Mahe on board the Guru are substantial. 29.94kg of Herbal materials, 25.19kg Heroin Diamorphine and 137.8kg Cannabis resin were concealed in gas cylinders. They indicate the presence and degree of a commercial element in terms section 48(1)(a) of the Misuse of Drugs Act which consists in an aggravated circumstance. Had it not been intercepted, the criminal enterprise would have yielded the Convict SCR300,000/- as per his admitted confession, a profit for all those responsible and a loss for the country in both the short and long term. From the admitted facts, it is clear that the Convict got involved in an organized criminal group, which is another aggravated circumstance in terms of section 48(1)(b) of the said Misuse of Drugs Act.
- [29] I give due weight to the pre-sentencing report and counsel's plea in mitigation as to the circumstances in which the convict got involved in the criminal enterprise
- [30] I consider that the Convict is a first-time offender. I also accept that the Convict has indeed taken an early guilty plea, thereby shown remorse and responsibility for the offence charged. He has saved the court's time and resources and inconvenience to witnesses, and I give him due credit for his timely plea and shown remorse in respect of himself.
- [31] I weigh all the above against the prevalence of similar offences involving a Class A and B drugs in the country. Had the criminal enterprise not been intercepted, the drugs would have had significant negative impact on the community and our vulnerable youth. Thus the need for deterrence.
- [32] I therefore sentence the Convict under Count 1 to a term of imprisonment for 15 years. He is entitled to remission. Time spent on remand is to be deducted from the term of imprisonment.

[33] The Convict may appeal this sentence to the Court of Appeal.

Signed, dated and delivered this 7th April 2026.


A. Madeleine, J

