

SUPREME COURT OF SEYCHELLES

Reportable
CO 36/2023

In the matter between:

THE REPUBLIC
(*rep. by Shireen Denys*)

Republic

and

JULIUS SAMUEL QUATRE
(*rep. by Vanessa Gill*)

Convict

Neutral Citation: *Rep v Quatre* (CO 36/2023) [2023] (11 December 2023)

Before: Burhan J

Summary: Sentence - Manslaughter

Heard: 13 November 2023

Delivered: 11 December 2023

ORDER

I proceed to sentence the convict, Julius Samuel Quatre as follows:

Count 1- to a term of nine years' imprisonment.

SENTENCE

BURHAN J

[1] The convict, Julius Samuel Quatre was convicted on his own plea of guilt in respect of the following offence:

Count 1

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

Julius Samuel Quatre 30-year-old unemployed male of Beoliere, Mahe on Saturday 29th April 2023, unlawfully cut Hubert Andy Antoine Delcy, a 35-year-old male of Beoliere Mahe, with a machete which caused the death of the said Hubert Andy Antoine Delcy on the same date.

- [2] Learned Counsel for the convict, Ms Vanessa Gill, moved the Court that a probation report be called prior to sentencing the convict. The report states that the convict completed his education up to Secondary School and thereafter began working as a gardener in several farms. The convict had also worked as an agriculture assistant with the Seychelles Defence Forces and thereafter as a farmer for a period of five years until the time he was arrested. It appears from the report, the mother and son of the deceased are still traumatised by the events that took place resulting in the death of the victim.
- [3] The probation report has moved the Court to consider that offences of this nature are serious and society does not tolerate such behaviour. The probation report recommends a sentence that will deter the convict from committing offences of a similar nature in the future.
- [4] Learned Counsel, Vanessa Gill, in her plea in mitigation on behalf of the convict, submitted that the convict is a first offender and has pleaded guilty at the very first available opportunity, the moment the charge was amended and therefore has not wasted the time of the Court. She submitted that the convict is 30 years old, self-employed and has long years of experience in farming. Although he has no children, the report states the convict shares a very close relationship with his mother. He has been raised by his mother and grandmother, as his parents were separated when he was at a very young age. The convict had tried his best to make a life for himself by continuously seeking and engaging in employment starting from a very young age. His efforts have helped his mother maintain his siblings and the expenses of their household.

- [5] Learned Counsel further submitted that the convict, Mr Quatre is a devote worshiper and follower of the Nazarene Christian faith. The convict has confessed that he never had the intention of ending the life of the victim and has continuously and persistently prayed and asked God for forgiveness for the crime he has committed. She stated that Mr Quatre, the convict, also wishes to extend his deep and heartfelt apology to the Court and the family of the victim for the most unfortunate and tragic death of the victim, Hubert Delcy.
- [6] Learned Counsel further referred to the background and facts of the case. I observe from her submissions that on the said date of the incident, the convict had encountered the victim three times on three separate occasions. On the first occasion, the victim, Hubert Delcy had hit the convict in such a manner as to make the convict run away. On the 2nd occasion the victim had again attempted to hit the convict with a spade and the convict had to hit the victim twice with the flat side of the machete to deter him. The convict then left the area of the altercation. On realising his mobile phone was not with him, the convict had returned to the same place. After finding his phone the convict proceeded to leave the area when the victim once again came towards him with a baton in his hand and something else in his hand which he could not identify. The deceased, who appeared to have been hiding in the dark, stated to Mr Quatre, *'La ou la. Mon pour touy ou'*, meaning, *'here you are. I am going to kill you.'* Thereafter, the deceased had struck Mr. Quatre on the shoulder and consequently, the convict had panicked and being afraid that he was moments away from facing his own death, he had hit the victim with the machete which resulted in the victim sustaining fatal injuries.
- [7] Learned Counsel submitted that the convict is deeply remorseful and ashamed by his actions and had cooperated fully with the police throughout the investigation. The convict voluntarily gave a statement admitting to having committed the said offence. The convict stated that he is deeply and completely remorseful for what has happened and he is begging for forgiveness from this Court for this tragic incident. He has taken full responsibility for his actions and he is ready to accept any punishment that the Court will impose on him. Learned Counsel moved Court to consider the following factors prior to passing sentence.

- a. The convict is a first offender and has no violent disposition.
- b. The deceased was armed and had every intention to kill the convict as he had told the convict, *'here you are. I am going to kill you'*.
- c. The convict had acted in what seemed like the heat of the moment or in the heat of passion before there was any time for his passion to cool-down.
- d. The provocation itself was as a result of a wrongful act, that is a threat to kill and the threatening approach with the baton, by the deceased. The convict submitted that he was not expecting the deceased to die after the third and final encounter as when he left him on the grass, he was still moving.
- e. She further draws the attention of Court to the fact that at the time of the third and final encounter between Mr. Quatre and the deceased, there were no eyewitnesses present.

[8] In *Emmanuel Saffance v The Republic (SCA 13 of 2020) [2020] SCCA 29 (18 December 2020) (Saffance case)*, the Seychelles Court of Appeal increased a term of 15 years' imprisonment to 20 years' imprisonment on the basis that the accused had previous convictions and was a person of violent disposition, taking into consideration the numerous injuries inflicted on the deceased by the accused. In *Francis Bakas v R (SCA CR 27 of 2019) [2021] SCCA 4 (30 April 2021) (Bakas Case)* where the jury handed down a verdict of conviction for murder which was reduced to one of voluntary manslaughter, the Seychelles Court of Appeal sentenced the accused to a term of 10 years' imprisonment.

[9] In the *Saffance case*, the Seychelles Court of Appeal, increased a term of 15 years' imprisonment to 20 years and in coming to the decision to increase the sentence, 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.**"* (emphasis added).

- [10] Giving due consideration to the aforementioned factors, this Court, prior to deciding on the suitable sentence to be imposed in this case, will first proceed to consider which class or type of manslaughter the accused in this case has been convicted of.
- [11] The particulars of offence in this present case and the uncontested facts presented by learned Counsel Ms Gill, assist in coming to a finding that the class or type of manslaughter applicable to the facts of this case is voluntary manslaughter. The convict in this case was initially charged with murder and subsequently the charge was amended to manslaughter on the basis of provocation.
- [12] Having determined the class or type of manslaughter relevant to this case, in accordance with the classification giving in respect of the hierarchy of seriousness as set out in the *Saffance* case referred to in paragraph [9] herein, the offence of voluntary manslaughter would rank second in severity or culpability.
- [13] Giving due cognisance to the aforementioned reasoning in the *Saffance* case, this Court will proceed to consider the relevant case law in respect of sentencing in similar cases of manslaughter. In the *Bakas* case the accused was eventually found guilty of voluntary manslaughter, the Seychelles Court of Appeal sentenced the accused to a term of 10 years' imprisonment. Therefore, it is the considered view of this Court that the sentencing range based on these recent cases for voluntary manslaughter ranges from 10 years (*Bakas*) to 20 years (*Saffance*) depending on the aggravating circumstances of each case.
- [14] It is clear from the facts before Court that the convict in this case is not a person of violent disposition as the accused in the *Saffance* case. He has pleaded guilty and saved the cost and expense that would be incurred in a lengthy jury trial. The convict, in my view genuinely expresses remorse in doing so unlike in the *Bakas* case, where the accused went through a lengthy trial and never expressed any remorse or regret for what he had done. In the case of *R v Freminot (CO 33 of 2020) [2022] SCSC 838 (29 September 2022)* the accused was sentenced by this Court to a term of 8 years' imprisonment but this was in respect of a charge of involuntary manslaughter which is less in culpability to voluntary manslaughter, refer to paragraph [9] herein.

[15] Giving due consideration to all the aforementioned factors, the plea in mitigation, the facts of the case and the personal history and facts set out in the probation report, I proceed to sentence the convict, Julius Samuel Quatre as follows:

Count 1- to a term of nine years' imprisonment.

[16] Time spent in remand to count towards sentence. Copy of this sentence order to be served on the Superintendent of Prisons.

Signed, dated and delivered at Ile du Port on 11 December 2023

M.Burhan J