

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

JERRIS MOUSTACHE

Criminal Side No. 15 of 2006

Mr. Govinden for the Republic

Mr. Bonte for the Accused

SENTENCE

Gaswaga, J

Mr. Jerris Moustache has been convicted of the offence of manslaughter contrary to Section 192 of the Penal Code Act, Cap 158 after he pleaded guilty to it. This offence is a very serious one as it carries, upon conviction a maximum sentence of life imprisonment. The convict is credited for showing remorse when he pleaded guilty. He saved the victim's family of anxiety and pain and now prays for leniency.

During the process of determining a suitable and appropriate sentence this Court considered the probation officer's report dated 24th March, 2006 in respect of the convict as well as the extenuating factors presented by his counsel, Mr. Bonte. Mr. Jerris Moustache is a very hard working young man aged 26 years. He has a concubine Christine Fred (32 years) and one daughter Elisa Moustache aged 2 years and 3 months. At the time of his arrest and consequent arraignment the convict was self-employed carrying out the business of collecting and selling latanier leaves on Praslin Island.

I have also taken into account the circumstances under which the offence was committed. The convict and the victim had a grudge and on that particular day they had exchanged some harsh words before finally encountering each other. It was as a result of the struggle between them that the convict hit the victim on the head with a piece of wood and he sustained serious injuries. That one Eddy Brioché and Gerard Rachel came to the scene and found the convict holding a piece of wood and standing next to the victim who was by then lying on the ground unconscious. The victim was conveyed and admitted to the Baie Ste Anne Health Centre from where Dr. Fedo pronounced him dead the next day (i.e. 12th April, 2006).

The Court, having looked at the sentencing pattern in this jurisdiction in similar or related cases shall sentence the convict to a term of seven (7) years in prison. The time spent on remand is to count towards this sentence. The convict has a right to appeal against this sentence.

I so order.

D. GASWAGA
JUDGE

Dated this 13th day of April, 2007