

**IN THE HIGH COURT OF SWAZILAND**

**CRIMINAL TRIAL CASE NO. 55/07**

**In the matter between**

BARTOLOMEU LEOPALDINI JOSE

VS

REX

**CORAM** S.M. MONAGENG J

FOR THE CROWN: MRS. M. DLAMINI

ACCUSED: PRESENT IN PERSON

**SENTENCE 30<sup>th</sup> APRIL 2008**

## **Monageng J**

[1] The accused is found guilty of possession and conveying cocaine a poisonous and potentially harmful drug that has been tendered in Court. The accused is found guilty on his own plea of guilty and on the agreed facts.

[2] The accused is not a first offender. He is serving the magistrate's sentence for possession.

### [3] MITIGATION

I understand and I never thought I would find myself where I am, but due to circumstances beyond my control I found myself in a situation that has brought misery to me I sincerely accept the offence and ask for forgiveness. In my life I will never ever go into this sort of business. I ask for leniency of sentence. I am extremely poor, I have no family to support me, My life is not good for anybody! I have not much to say except ask for leniency. . "

### [4] SENTENCE

The accused person has pleaded guilty to three counts under the Pharmacy Act, 1929. He is a first offender who has expressed some remorse. The fact that he has pleaded guilty also goes somewhat to his favour. I should observe that looming very large against his mitigation is the fact that drugs such as cocaine can have extremely devastating effects on a community. The accused also went to great lengths to conceal the drugs on his person, despite the reality of endangering his own health or life.

[5] I have however taken all his mitigation into account, but remind him that Courts are duty bound to protect the society against social ills like drugs and those caught endangering the welfare of the society should be visited with meaningful sentences. ■

[6] The accused is sentenced as follows:

Count 1. - He is sentenced to 6 years imprisonment.

Count 2. - He is sentenced to 6 years imprisonment.

Count 3. - He is sentenced to 6 years imprisonment

2 years in each count shall be suspended for a period of 3 years on condition he is not convicted of any offence of which possession and unlawful conveying of poison or potentially harmful drugs are elements.

[7] The sentences shall take effect from 4<sup>th</sup> February 2007 when he was first arrested. The three sentences shall run concurrently and they shall be concurrent to the sentence he is presently serving since this is the same transaction.

[8] The drugs and sock shall be forfeited to the Crown for disposal. Right of appeal advised.

**SM MONAGENG**  
**JUDGE**