

CRN 035/17

**IN THE HIGH COURT OF SIERRA LEONE**  
**HOLDEN AT FREETOWN**

THE STATE

VS

ALVIN VALENTINE MASSAQUOI

**COUNSELS**

**MS. S.M. BAH & MS. K.Z. BANGURA**

- FOR THE STATE

**MRS. O.C. SPENCER COKER**

- FOR THE ACCUSED

BEFORE THE HONOURABLE MR. JUSTICE ERNEST GOODING J.

JUDGMENT DATED THE 4<sup>th</sup> DAY OF APRIL 2017.

THE ACCUSED ALVIN VALENTINE MASSAQUOI IS INDICTED ON THREE COUNTS:-

**COUNT 1 (ONE)**

**STATEMENT OF OFFENCE**

**Larceny By Servant, Contrary to Section 17 (1) (a) of the Larceny Act 1916**

**PARTICULARS OF OFFENCE**

ALVIN VALENTINE MASSAQUOI on a date between the 16<sup>th</sup> day of March and 31<sup>st</sup> day of March 2016 at Freetown in the Western Area of the Republic of Sierra Leone, being a Servant of the SEA COACH EXPRESS, Aberdeen, Freetown, stole from the said SEA COACH EXPRESS, Aberdeen, Freetown Two Million Eight Hundred and Ninety Eight Thousand Leones (Le. 2, 898,000.00) property of SEA COACH EXPRESS, Aberdeen, Freetown.

## **COUNT 2 (TWO)**

### **STATEMENT OF OFFENCE**

**Larceny by Servant, Contrary to Section 17 (1) (a) of the Larceny Act 1916**

### **PARTICULARS OF OFFENCE**

ALVIN VALENTINE MASSAQUOI on a date between the 1<sup>st</sup> day of April and 30<sup>th</sup> day of April 2016 at Freetown in the Western Area of the Republic of Sierra Leone, being a Servant of the SEA COACH EXPRESS, Aberdeen, Freetown, stole from the said SEA COACH EXPRESS, Aberdeen, Freetown Nine Million Seven Hundred and Eighty Nine Thousand Leones (Le 9, 789,000.00) property of SEA COACH EXPRESS, Aberdeen, Freetown.

## **COUNT 3 (THREE)**

### **STATEMENT OF OFFENCE**

**Larceny by Servant, Contrary to Section 17 (1) (a) of the Larceny Act 1916**

### **PARTICULARS OF OFFENCE**

ALVIN VALENTINE MASSAQUOI on a date between the 1<sup>st</sup> day of May and 17<sup>th</sup> day of May 2016 at Freetown in the Western Area of the Republic of Sierra Leone, being a Servant of the SEA COACH EXPRESS, Aberdeen, Freetown, stole from the said SEA COACH EXPRESS, Aberdeen, Freetown Six Million One Hundred and Thirty Eight Thousand Leones (Le 6, 138,000.00) property of SEA COACH EXPRESS, Aberdeen, Freetown.

## **THE PLEA**

The accused pleaded guilty to all three (3) Counts.

## **THE FACTS**

The accused is an employee of Sea Coach Express and on a monthly salary.

On the 16<sup>th</sup> March 2016 he was transferred to the bar at the Sea Coach Express compound in Aberdeen, to act as the sales person.

At the end of March 2016, the accused failed to report his sales at the Bar. When the items were audited the sum of Le2,895,000//00 or thereabout was missing.

The Accused continues to sell at the Bar and again on the 30<sup>th</sup> April 2016 he failed to report his sale for the period ending 30<sup>th</sup> April 2016.

Following an audit the sum of Le.9,789,000 or thereabout was missing.

An audit was also carried out for the period 1<sup>st</sup> May 2016 to 17<sup>th</sup> May 2016.

Again the sum of Le 6,138,000.00 was missing.

When questioned the accused informed his employers that he had deposited the missing sums in the company's account at Zenith Bank.

When asked to produce the payment slips he failed to do so.

The company's bank statement failed to show these missing monies were deposited in the bank.

## **THE LAW**

As the Accused has pleaded guilty unequivocally, there is no need to dissect the ingredient relating to this offence saved to elucidate the provisions of Section 17 (1)(a) of the Larceny Act 1916

"Every Persons who –

1. Being a Clerk or Servant or person employed in this capacity of a clerk or servant –

- (a) Steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer shall be guilty of felony and on conviction thereof is liable to penal servitude for any term not exceeding fourteen years.

In this case the Accused was an employee of Sea Coach Express and in his capacity as an employee he stole various sums from his employer and has now pleaded guilty to all three counts in the indictment.

### **MITIGATION**

I am informed by Counsel that this young man is a first time offender.

I am also told that he is unlikely to reoffend.

I am urged to impose a non-custodial sentence i.e. that I should caution and discharge.

I am reminded that the Accused has been incarcerated since May 2016 and that I should temper justice with mercy.

### **SENTENCE**

Initially when the charge was put to you on the 30<sup>th</sup> January 2017 before Justice J.B. Allieu you pleaded not guilty, however on the 7<sup>th</sup> March 2017 you changed your plea and pleaded guilty to all three counts of Larceny.

The offence to which you have pleaded are very serious, you were placed in a position of trust and you abused it.

My problem is that your action is not a one of incident, it is a continuous occurrence. In March 2016 monies went missing, again in April 2016 monies went missing. Finally in May 2016 again monies went missing.

In my view your action was meticulously calculated and executed. It was well planned. It was premeditated.

What is your excuse?

You have none save that you intended to go abroad to develop yourself at the expense of others.

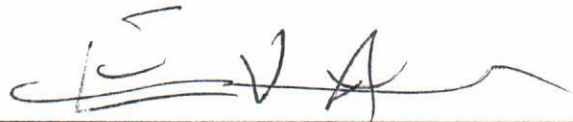
I have listened to the Plea in Mitigation by Counsel and give you credit for you plea of guilt but I have to be careful not to send the wrong message i.e. it pays to commit a crime.

In respect of count 1 (one) I sentence you to five years imprisonment.

In count 2(two) I again sentence you to 5 years imprisonment.

Finally in count 3 (three) I sentence you to five years imprisonment.

Sentences to be served concurrently at the Sierra Leone Correctional Service.

A handwritten signature in black ink, appearing to read 'E. V. A.', written over a horizontal line.

HON MR. JUSTICE ERNEST GOODING J.