

1971
July 9

[TRIANTAFYLLIDES, P., STAVRINIDES, HADJIANASTASSIOU, JJ.]

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COSTAKIS
MICHAEL
CHRISTOFI
v.
THE POLICE

COSTAKIS MICHAEL CHRISTOFI,

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 3259*).

Sentence—Breaking and entering an office and committing a felony there—Section 294(a) of the Criminal Code Cap. 154—Sentence of three years' imprisonment imposed on a rather young offender (aged 22)—Challenged on appeal as being excessive—Though severe, the sentence is however the appropriate one—Seriousness of the offence—Appellant's previous criminal record showing that this is not a proper case in which to impose any other more lenient punishment—Moreover the Appellant cannot benefit from any other kind of disciplined life—Appeal against sentence dismissed.

Young Offenders—Sentences of imprisonment—Reform—Desirability of giving to rather young offenders like Appellant (aged 22), as far as this can be properly done, opportunities of reforming themselves otherwise than through long terms of imprisonment.

Appeal—Sentence—See supra.

Breaking and entering an office and committing a felony (theft) there—Section 294(a) of the Criminal Code—Sentence—See supra.

The facts sufficiently appear in the judgment of the Court, dismissing this appeal against sentence of three years' imprisonment imposed on a rather young offender (aged 22) on a charge of breaking and entering an office and committing there a felony (theft) contrary to section 294(a) of the Criminal Code Cap. 154.

Appeal against sentence.

Appeal against sentence by Costakis Michael Christofi who was convicted on the 20th May, 1971 at the District Court of Limassol (Criminal Case No. 5917/71) on one count of

the offence of office breaking and theft contrary to section 294(a) of the Criminal Code, Cap. 154 and was sentenced by Loris D.J. to three years' imprisonment.

Appellant appeared in person.

A. Frangos, Senior Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:-

TRIANTAFYLLIDES, P.: The Appellant appeals against the sentence of three years' imprisonment which was imposed on him by the District Court in Limassol after he had pleaded guilty to a charge of breaking and entering an office and committing a felony, viz. theft, contrary to section 294(a) of the Criminal Code, Cap. 154; the office in question was that of a petrol filling-station; the Appellant broke into it at night-time and stole therefrom the amount of £7.-

The Appellant has contended today that his sentence is excessive.

He is twenty-two years old and it is most regrettable to see a young man in such a predicament. Unfortunately, in addition to the seriousness of the offence which he has committed, his previous criminal record shows that this is not a proper case in which to impose any other, more lenient, punishment: On the 25th October, 1968, the Appellant was sentenced to two and a half years' imprisonment for breaking and entering a shop and stealing therefrom and on that occasion no less than seven other similar offences were taken into consideration. Then, on the 7th February, 1969, he was sentenced, in respect of two other offences of exactly the same nature, to eighteen months' imprisonment.

Furthermore, the Appellant does not seem to be a person who can benefit from any other kind of disciplined life; he committed the present offence while he was serving in the National Guard, from which he had deserted repeatedly in the past with the result that he had, eventually, to be sentenced, by a Court Martial, to imprisonment.

Though it is, indeed, very desirable that rather young offenders, like the Appellant, should be given, as far as this can be properly done, opportunities of reforming themselves

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otherwise than through long terms of imprisonment, this is not a case in which such a course can be adopted.

In the light of the foregoing, as well as of all other relevant considerations, we cannot regard the sentence imposed on the Appellant by the trial Court as being either manifestly excessive or wrong in principle so as to call for our intervention.

This appeal is, therefore, dismissed; but as the Appellant appealed from the Prisons without legal advice his sentence should run from the date of his conviction.

Appeal dismissed.