

1972
Nov. 24

[TRIANTAFYLLIDES, P., A. LOIZOU, MALACHTOS, JJ.]

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YIANNIS
STEPHANOU
v.
THE POLICE

YIANNIS STEPHANOU,

Appellant,

v.

THE POLICE,

Respondents.

(Criminal Appeal No. 3370).

Sentence—Forgery and uttering of a false document—Repeatedly forging winning numbers of State Lottery tickets—Appeal against sentences ranging from one year and six months' imprisonment—Seriousness of the offence—Appellant's family history, clean past record, long service as a teacher, the ruining of his career as well as the reasons which made him commit the offence—Not factors which can lead to a reduction of the sentence in view of the gravity of the offences.

Forgery—Forging winning numbers of State Lottery tickets—Sentence—See, under "Sentence" above.

Appeal against sentence.

Appeal against sentence by Yiannis Stephanou who was convicted on the 25th September, 1972 at the District Court of Limassol (Criminal Case No. 10560/72) on nine counts i.e. on five counts of the offence of forgery contrary to sections 331, 333(b) and 335 of the Criminal Code Cap. 154 on two counts of the offences of uttering a false document contrary to sections 333(b), 335 and 339 of the Criminal Code Cap. 154 and on two counts of the offences of attempting to obtain money by false pretences contrary to sections 297, 298, 366, 367 and 35 of the Criminal Code Cap. 154 and was sentenced by Chrysostomis, D.J. to one year's imprisonment on each of the forgery offences and on the offence of uttering a false document and to six months' imprisonment on each of the offences of attempting to obtain money by false pretences, the sentences to run concurrently.

E. Efstathiou, for the Appellant.

N. Charalambous, Counsel of the Republic, for the Respondents.

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The judgment of the Court was delivered by:—

TRIANAFYLLIDES, P.: The Appellant has appealed against concurrent sentences of imprisonment, for periods ranging from one year to six months, which were passed upon him by the District Court of Limassol after he had pleaded guilty to five counts charging him with forgery, two counts charging him with uttering a false document and two counts charging him with attempting to obtain money by false pretences; all these offences were committed in the course of forging the winning numbers of State Lottery tickets.

On Appellant's application twenty-two similar offences were taken into consideration when sentence was imposed on him; by committing all these offences, during the period of about a month and a half, he benefited, at the expense of others, to the extent of a total sum of £38.600 mils.

At the time of the commission of the offences he was a school-teacher, with a service in education for 23 years; he is married, has three adult children and he is a first offender.

There seems to exist no doubt that the Appellant embarked upon a spree of lawlessness due to the desperate situation in which he found himself because of severe financial difficulties; and it does appear that, because of his unfortunate family background, especially during his youth, he became a person who could not withstand such a stress without succumbing to the temptation to adopt an unlawful course of action in order to solve his problems.

When this case came up for hearing before us, about three weeks ago, we appointed, at public expense, counsel to appear for the Appellant, and on the suggestion of counsel for the Respondents we directed that a Social Investigation Report and a report of a clinical psychologist be prepared.

We have carefully perused all the material which has thus been placed before us and we have listened to all that counsel for the Appellant has submitted in relation to the sentences imposed on the Appellant; indeed, counsel for the Appellant has spared no effort in order to assist him as best as he could

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do so in the light of the circumstances of this case. The fact remains, however, that the Appellant is a person who has committed repeatedly very serious offences; having taken fully into account, as the trial Court appears to have done also, the fact that the Appellant has ruined his career, and will in all probability lose his job and be, also, deprived of his pension, we cannot hold that this is a case in which the sentences of imprisonment imposed on him are wrong in principle or are manifestly excessive; actually, bearing in mind the gravity of the offences which he has committed, we consider that the sentences passed upon him are rather lenient. It is correct that the trial Court did not have before it the family history of the Appellant, as we now have it, but we agree with learned counsel for the Respondents that, even if it did have it before it, the trial Court could not have imposed any lighter sentences.

Factors such as the Appellant's family history, his clean past record, his long service as a teacher, the ruining of his career, as well as the reasons which made him commit the offences concerned, are matters which, though in view of the gravity of the misdeeds of the Appellant cannot lead to a reduction by this Court of the sentences imposed on him, can perhaps be taken into account by the appropriate organs when considering the possibility of granting him some remission of sentence.

Also, the possibility that the confinement of the Appellant in prison may aggravate his already existing state of depression is something which should be duly borne in mind by the competent authorities.

In the result this appeal is dismissed; but the sentences shall run from the date of conviction.

Appeal dismissed.