

1983 December 13

[A. LOIZOU, DEMETRIADES AND SAVVIDIS, JJ.]

ANDREAS KLEOVOULOU EVGENIOU,

Appellant.

v.

THE POLICE.

Respondents.

(*Criminal Appeal No. 4477*).

Criminal Law—Sentence—Burglary—Breaking and entering into a touristic apartment and stealing therefrom 10,000 French francs the property of a foreign visitor—Nature and circumstances under which the offence was planned—Personal circumstances and age of the appellant—Need for deterrence and need to view seriously such offences—Sentence of one year’s imprisonment — Not manifestly excessive. 5

The appellant broke and entered during night time a flat of the touristic appartments of the Nissi Beach Hotel at Ay. Napa and stole therefrom 10,000 French fracs, the property of Mireille Suzanne Bonnet, a foreign visitor. He pleaded guilty to the offence of burglary and was sentenced to one year’s imprisonment. He was aged 20 and he had previously been convicted of burglary, stealing and various other offences for which he received sentences ranging from one week’s imprisonment to 9 months’ imprisonment. 10 15

Upon appeal against sentence:

Held, that having given due consideration to the nature of the offence and the circumstances under which it was planned and committed as well as to the personal circumstances of the appellant, as stated in the Welfare Officer’s reports which were produced at the trial and bearing in mind that the aim of criminal justice is to reduce crime by making as many people as possible obey and respect the law, and make this place as safe for its citizens and visitors as it can possibly be, this Court is of the opinion that offences of this nature deserve to be viewed seriously 20 25

regard always being had to the offender and the desirable individualization of sentence; that, therefore, in the circumstances the appeal must be dismissed as the sentence is in no way manifestly excessive, but if anything it is on the lenient side.

5

Appeal dismissed.

Appeal against sentence.

Appeal against sentence by Andreas Kleovoulou Evgeniou who was convicted on the 21st October, 1983 at the District Court of Famagusta (Criminal Case No. 993/83) on one count
10 of the offence of burglary contrary to section 292(a) of the Criminal Code, Cap. 154 and was sentenced by G. Nicolaou, D.J. to one year's imprisonment.

Appellant appeared in person.

A. Vladimirov, for the respondents.

15 A. LOIZOU, J. gave the following judgment of the Court. The appellant, a decorator, aged 20, was found guilty on his own plea of the offence of burglary contrary to section 292(a) of the Criminal Code Cap. 154 and sentenced to one year's imprisonment.

20 The offences had been committed jointly with another person on the 27th March, 1983, at Ayia Napa when during night time the appellant and ex accused 2 broke and entered into Flat No. 32 of the Touristic Apartments of the Nissi Beach Hotel and stole therefrom 10,000 French francs, the property of Mireille
25 Suzanne Bonnet.

As against this sentence the appellant has filed the present appeal on the ground that same is manifestly excessive.

Early in the evening of the 27th March the appellant persuaded
30 ex accused 2, who was a friend of his, to go in the latter's car to Ayia Napa, meet two tourists and return to Larnaca with them for the sake of a night out. When they arrived there, they stopped the car at the parking of the Nissi Beach Hotel and the appellant got out and went towards the Hotel Apartments. Without much difficulty he broke and entered into the
35 said flat where the complainant and her husband were spending their holidays and stole from her suitcase 10,000 French francs. He returned to the car, showed his spoils to ex accused 2 and

told him that the tourists he was expecting to take out were drunk and they would not join them but he took from them the money. They then went to various places of entertainment at Ayia Napa and at a hotel he managed to change some of the francs into Cyprus currency. On their way back to Larnaca he gave some of the stolen money to ex accused 2 promising to give him more the following day. 5

When the complainant discovered two days later that her money was missing, she reported the matter to the Police and its inquiries led them to the appellant and his collaborator. 10

The appellant has the following previous convictions:

"8.7.80—	I. Personation	Three months' imprisonment	
	II. Departing from the Rep. w/o possessing passage ticket.	One month's imprisonment.	15
	III Leaving the Republic without licence from the Min. of Interior.	Three months' imprisonment.	
	IV. Failing to carry his I.C.	One week's imprisonment.	20
		Sentences to run concurrently.	
17.10.80	I. Burglary	6 months' imprisonment.	
	II. "	- do -	25
	III. "	- do -	
		All sentences to run concurrently.	
2.4.81	Misconduct	£15.- fine	
25.6.81	I. Attempt to depart from the Republic w/o passage ticket.	2 months' imprisonment.	30
	II. Attempt to depart from the Republic without a permit granted by the Minister of Interior	6 months' imprisonment.	35
		Sentences to run concurrently.	

	3.12.81	Stealing	9 months' imprisonment with suspension of three years.
5	19.8.82	Disertion	One month's imprison- ment.

In presenting in person his case before us, the appellant assured us that he has now realized the seriousness of his conduct and that he will try to be a law-abiding citizen from now on.

10 In passing sentence the learned trial Judge observed that such offences occur frequently and cause serious anxiety to the Court and that he believed that deterrent sentences of imprisonment should be imposed but that due regard should be paid to the personal circumstances and the age of the offender.

15 Having given due consideration to the nature of the offence and the circumstances under which it was planned and committed as well as to the personal circumstances of the appellant, as stated in the Welfare Officers' reports which were produced at the trial and bearing in mind that the aim of
20 criminal justice is to reduce crime by making as many people as possible obey and respect the law, and make this place as safe for its citizens and visitors as it can possibly be, we are of the opinion that offences of this nature deserve to be viewed seriously regard always being had to the offender and the desirable individualization of sentence.

25 In the circumstances we dismiss the appeal as the sentence is in no way manifestly excessive, but if anything it is on the lenient side.

Appeal dismissed.