

PERICLIS CONSTANTINOU KANTIS,

*Appellant,*

v.

THE REPUBLIC,

*Respondent.*

PERICLIS  
CONSTANTINOU  
KANTIS  
v.  
THE REPUBLIC

(Criminal Appeal No. 2857)

*Criminal Law—Sentence—Sentence of imprisonment—Appeal against sentence as being excessive—Offences of house-breaking and theft, contrary to sections 292 (a) and 266 (b) of the Criminal Code, Cap. 154—Appellant having an “urge to steal”, due to a severe personality disorder—Sentence imposed, in the circumstances, neither manifestly excessive nor wrong in principle.*

**Appeal against sentence.**

Appeal against the sentence imposed on the appellant who was convicted on the 24th October, 1966, at the Assize Court of Nicosia (Criminal Case No. 20031/66) on one count of the offence of Housebreaking and theft contrary to Section 292 (a) of the Criminal Code Cap. 154 and was sentenced by Loizou, P.D.C., Ioannides and Mavrommatis, D.JJ., to three years' imprisonment.

*A. Triantafyllides, for the appellant.*

*A. Frangos, Counsel of the Republic, for the respondent.*

*Cur. adv. vult.*

The facts sufficiently appear in the judgment of the Court given by :

JOSEPHIDES, J.: This is an appeal against a sentence of three years imprisonment, imposed by the Assize Court of Nicosia, for the offence of housebreaking and theft, on the ground that it is excessive. The appellant pleaded guilty to breaking and entering into a dwelling house in Nicosia and stealing the sum of £5 and two packets of cigarettes. In addition to that he admitted committing another four offences (charged in four different cases)

and applied that they be taken into consideration in passing sentence. The said offences are all of a similar nature, that is, housebreaking and stealing, and the total sum involved is £33.

He admitted nine previous convictions for which he was dealt with by the Court on three different dates, namely, on the 10th December, 1963, he was placed on probation for two years in respect of seven offences of housebreaking and stealing ; on the 7th July, 1964, he was bound over in the sum of £30 for one year for stealing ; and, on the 24th October, 1964, for stealing from a dwelling house, no sentence was imposed on him but it was ordered that the previous probation order should remain in force. It will thus be seen that the appellant, who is 20 years of age, married and has a child of nine months, was repeatedly given chances by the Court to reform.

As usual in these cases, a report by a Probation Officer was placed before the trial Court for consideration, to which there was also attached a psychological report by Dr. A. P. Georghiadis, a clinical psychologist. In addition to that material, the trial Court before considering sentence, heard the evidence of Dr. Evdokas, a psychiatrist. It is the opinion of these doctors that the appellant has an urge to steal which is due to a severe personality disorder, but his intelligence is above normal. Dr. Evdokas was of the view that the only treatment that he could see was confinement with treatment.

Considering the gravity of the offences, the fact that the appellant was repeatedly given a chance to reform and spared from prison, and taking into account his personality as described by the doctors and his personal circumstances, we do not think that a sentence of three years imprisonment is, in the circumstances, either manifestly excessive or wrong in principle. On the contrary, we are of the view that it is the appropriate punishment considering that it is the duty of the Courts to protect society as well as to help the offender to reform. In this case both ends will be achieved by the confinement of the appellant who will, no doubt, receive the necessary treatment while in prison to help him become an honest citizen. The appeal is therefore dismissed ; sentence to run from the date of conviction.

*Appeal dismissed. Order accordingly.*