

1969
Sept. 26

[VASSILIADES, P., TRIANTAFYLIDIS, LOIZOU, JJ.]

ANDREAS M.
LOUCAIDES
v.
THE POLICE

ANDREAS M. LOUCAIDES,

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 3120*).

Narcotic Drugs—Possessing—Sentence of three years' imprisonment for possessing cannabis sativa contrary to the Narcotic Drugs Law, 1967 (Law No. 3 of 1967) section 6 and regulation 5 of the Narcotic Drugs Regulations, 1967—Appeal against sentence—Prevalence of offence—Severe sentences deter potential offenders—Appeal dismissed.

Sentence—Appeal against—Prevalence of offence—Approach of the Court of Appeal to sentence imposed by trial Courts.

Narcotic Drugs—Possessing—Severe sentences—Prevalence of the offence—Deterrent sentences should be imposed.

This is an appeal against sentence of three years' imprisonment imposed by the trial Court for possessing narcotic drugs (cannabis sativa) as being excessive. Dismissing the appeal, the Court :—

Held, (1). We had several cases of this nature recently before us on appeal, the sentences in which reflect the seriousness of the offence ; and show that its prevalence is increasing. The Courts are apparently trying to deter potential offenders by passing severe sentences. We think that they must be supported in their effort to check the spreading of this dangerous crime. (See *Andreas Stavrou alias Afamis v. The Republic*, reported in this Part at p. 117 *ante* ; *Michael Kallia alias Shialis v. The Republic*, reported in this Part at p. 132 *ante* ; and *Raymondos Anastassiou v. The Republic*, (*Criminal Appeal No. 3097* still pending*).

(2) We see no reason whatsoever for interfering with the sentence imposed by the trial Judge. The appeal is dismissed and the sentence shall according to law run from the determination of this appeal.

Appeal dismissed.

* Now reported in this Part at p. 193 *post*.

Cases referred to :

Andreas Stavrou alias Afamis v. The Republic (reported in this Part at p. 117 ante) ;

Michael Kallia alias Shialis v. The Republic (reported in this Part at p. 132 ante) ;

Raymondos Anastassiou v. The Republic (reported in this Part at p. 193 post).

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Appeal against sentence.

Appeal against sentence by Andreas M. Loucaides who was convicted on the 12th August, 1969, at the District Court of Nicosia (Criminal Case No. 10039/69) on one count of the offence of possessing narcotic drugs contrary to sections 6 and 24 of the Narcotic Drugs Law, 1967 (Law 3 of 1967) and regulation 5 of the Narcotic Drugs Regulations, 1967 and was sentenced by Stylianides, D.J. to three years' imprisonment.

Ch. Loizou, for the appellant.

S. Nicolaidis, Counsel of the Republic, for the respondents.

The judgment of the Court was delivered by :—

VASSILIADES, P.: This is an appeal against a sentence of three years' imprisonment imposed on the appellant, a young man of 22 years of age, for the possession of narcotics *i.e.* 125 grams of cannabis sativa, contrary to section 6 of the Narcotic Drugs Law, No. 3 of 1967 ; and regulation 5 of the Narcotic Drugs Regulations of the same year. The appellant was charged and convicted upon a plea of guilty, in the District Court of Nicosia, on August 12, 1969. The appeal is taken on the ground that the sentence is manifestly excessive.

The short facts of the case are that the appellant soon after his discharge from prison in connection with another offence, he went, according to his own version, to a coast village in Larnaca District, where he received from two persons (named in appellant's statement to the police) the quantity of the narcotic in question, for the purpose of smuggling it into the prisons to a fellow prisoner who had asked him to do this for him. Acting on information and armed with a judicial warrant, the police arrested the appellant and searched his house, some 24 hours after he had brought and concealed there the narcotic in question.

At first, the appellant denied having any such article in his possession ; and tried to give time to his mother to dispose of it, by pretending to be looking for it in a different part of the house ; but when one of the policemen noticed appellant's mother moving away with a parcel found to contain the prohibited article, the appellant came out with the version already stated.

The trial Judge after hearing counsel for the appellant in mitigation, considered, the case in the light of a social investigation report concerning the appellant and of the list of his previous convictions produced by the police. This contained (notwithstanding the young age of the appellant) a shop-breaking and stealing in 1962, for which he was committed to the Reform School ; a shop-breaking in 1966, for which he received a sentence of one year's imprisonment ; a conviction for carrying a pistol without permit, for which he received a year in 1968 ; and an aggravated assault for which he was bound over in £100 for two years, about nine months before he committed the offence now under consideration.

The trial Judge gave his reasons for imposing a sentence of three years in this case. He took the view that " the possession of narcotics is a very serious offence " as it may be seen from the punishment provided by the legislature, which was increased to ten years imprisonment or £1,000 fine, or both, by an amendment in 1967.

Taking into consideration the circumstances in which the offence was committed as well as the personal circumstances of the offender as presented to him, the trial Judge was of the opinion that " a long period of imprisonment is the only appropriate sentence in this case ; " and he imposed a term of three years imprisonment.

After hearing counsel on behalf of the appellant this morning, we found it unnecessary to call on the other side. We think that there is no merit in this appeal. We had several cases of this nature recently before us on appeal, the sentences in which reflect the seriousness of the offence ; and show that its prevalence is increasing. The Courts are apparently trying to deter potential offenders by passing severe sentences. We think that they must be supported in their effort to check the spreading of this dangerous crime. We may refer to *Andreas Stavrou alias Afamis v. The Republic*, reported in this Part at p. 117 *ante* ; *Michael Kallia alias*

Shialis v. The Republic, reported in this Part at p. 132 *ante* ;
and *Raymondos Anastassiou v. The Republic*, Criminal Appeal
3097 still pending*.

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We see no reason whatsoever for interfering with the sentence imposed by the trial Judge. We affirm the sentence, in the hope that it will help not only the appellant before us, but also other persons inclined to offend against the Narcotic Drugs Law, to keep away from such dangerous attractions.

This appeal will be dismissed ; and the sentence shall run according to law from the determination of the appeal.

Appeal dismissed.

* Now reported in this Part at p. 193 *post*.