

1978 February 2

[TRIANTAFYLIDIS, P., STAVRINIDES, L. LOIZOU, JJ.]

SOTIRIS T. DEMETRIADES,

*Appellant,*

v.

THE REPUBLIC,

*Respondent.*

(*Criminal Appeal No. 3833*).

*Criminal Law—Sentence—Firearms and explosives—Unlawful possession—And unlawful carrying and using firearms during period of Coup d' etat in July, 1974—Remorse—No remorse shown by appellant at the allocutus stage—Maximum sentences prescribed by law rightly imposed.*

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The appellant pleaded guilty to five offences of unlawful possession of firearms, one offence of unlawful possession of explosives and two offences of unlawfully carrying and using firearms during the period of the coup d' etat in July 1974 and was sentenced to concurrent sentence of fifteen and ten years' imprisonment. Though during the plea in mitigation his counsel stressed that he had repented for what he had done, at the stage of the allocutus, appellant made a statement which left no room for any doubt whatsoever that not only he had not repented for what he had done, but that he regarded himself as morally innocent and was full of pride for his despicable conduct in question.

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Upon appeal against sentence:

*Held*, that this Court has no hesitation whatsoever in agreeing with the view taken by the trial Court that this kind of attitude at that stage of the trial, precluded it from showing any leniency and made it imperative to pass upon the appellant the maximum sentence prescribed by law; and that, accordingly, this appeal has to be dismissed.

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*Appeal dismissed.*

**Appeal against sentence.**

Appeal against sentence by Soteris Taki Demetriades, who was convicted on the 6th October, 1977 at the Assize Court of Nicosia (Criminal Case No. 19643/77) of five counts of the offence of unlawful possession of firearms, contrary to sections 4 (1) (2) (b), 3 (1) (b) (2) (b) and 27 of the Firearms Law, Cap. 57, as amended by Laws 11/59 and 20/70, on one count of the offence of unlawful possession of explosive substances, contrary to section 4 (4) (d) (5) (a) (b) of the Explosive Substances Law, Cap. 54, as amended by Law 21/70 and of two counts of the offences of unlawfully carrying or using firearms, contrary to sections 3 (1) (b) (2) (a) and 27 of the Firearms Law, Cap. 57, as amended by Laws 11/59 and 20/70 and was sentenced by Stavrinakis, P.D.C., HjiConstantinou, S.D.J. and Artemides, D.J., to ten years' imprisonment on each of the first six counts and to fifteen years' imprisonment on each of the last two counts, all sentences to run concurrently.

*A. Eftychiou*, for the appellant.

*V. Aristodemou*, Counsel of the Republic, for the respondent.

The judgment of the Court was delivered by:

TRIANAFYLLIDES P.: The appellant has appealed against concurrent sentences of fifteen and ten years' imprisonment which were imposed on him when he pleaded guilty to five offences of unlawful possession of firearms, one offence of unlawful possession of explosives and two offences of unlawfully carrying and using firearms during the period of the fortunately short-lived coup d' etat in July 1974.

His counsel, by his plea in mitigation at the trial, managed to persuade the Assize Court which was about to pass sentence on the appellant that there existed factors justifying leniency in assessing sentence, especially because the appellant had acted at the time under psychological pressure and in fear, while being in the throes of a dilemma, and that he had, as was stressed by his counsel, repented for what he had done.

Then, at the stage of the allocutus, when the appellant was asked whether he had anything to say why sentence should not be passed upon him, he made a statement which left no room for any doubt whatsoever that the appellant not only

had not repented for what he had done, but that, on the contrary, he regarded himself as morally innocent and was full of pride for his despicable conduct in question.

5 The trial Court took the view that this kind of attitude, at that stage of the trial, precluded it from showing any leniency and made it imperative to pass upon the appellant the maximum sentences prescribed by law.

10 We have no hesitation whatsoever in agreeing in this respect with the trial Court, and this appeal has, consequently, to be dismissed.

*Appeal dismissed.*