

1982 February 9

[L. LOIZOU, STYLIANIDES AND PIKIS, JJ.]

MICHALAKIS THEOKLITOU IOSIPHIDES,

Appellant.

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 4274*).

Criminal Law—Sentence—Shop-breaking and theft—Two years' imprisonment—Appellant's bad criminal record with thirty-three similar previous convictions and seriousness of offence—Appeal dismissed.

The appellant pleaded guilty to the offence of shop-breaking and stealing a sum of £11 and was sentenced to two years' imprisonment. At his trial, on his application and with the consent of the prosecution, eight other similar offences were taken into consideration in passing sentence. Appellant had thirty-three similar previous convictions. He was married with a nine year old child but he was on bad terms with his wife.

Upon appeal against sentence:

Held, that having regard to the nature and seriousness of the offences and not overlooking his bad criminal record there is no merit in this appeal and this Court would not be justified in reducing the sentence; accordingly the appeal must be dismissed.

Appeal dismissed.

Appeal against sentence.

Appeal against sentence by Michalakis Theoklitou Iosiphides who was convicted on the 19th October, 1981 at the District Court of Limassol (Criminal Case No. 15217/81) on one count of the offence of shop-breaking and theft, contrary to section

294(a) of the Criminal Code, Cap. 154 and was sentenced by Eleftheriou, D.J. to two years' imprisonment.

Appellant appeared in person.

M. Photiou, for the respondents.

5 L. LOIZOU J. gave the following judgment of the Court. The appellant having been found guilty, on his own plea, of the offence of shop-breaking and theft contrary to sections 294(a) and 255 of the Criminal Code, Cap. 154, was sentenced by the District Court of Limassol to two years imprisonment.

10 This appeal is against such sentence on the sole ground that it is excessive.

The offence was committed between the third and the fifth days of October, 1981 and the shop broken into is a shoe-shop of one Pambos Loucaides of Limassol. It appears from the record that the appellant broke open the lock of the metallic door of the shop by means of a screw driver and having entered the shop he broke open the till which contained a sum of £11 and stole it. He was arrested on the 5th October soon after the case was reported to the police and on the same day he
15 confessed having committed this offence as well as another eight similar offences by the same method. On his application and with the consent of the prosecution all the other cases which were then pending before the District Court of Limassol under Nos. 15218-15225/81 were taken into consideration in passing
20 sentence after he was charged and pleaded guilty to each case.

The appellant is a married man with a nine year old child but he is on bad terms with his wife and they have been living apart for the last six years. The child lives with the mother. He has 33 similar previous convictions all committed during
30 the last ten years and he has been sentenced to terms of imprisonment of up to three years as late as 1978.

Before this Court the appellant pleaded for leniency and mentioned that his father was ill.

Having regard to the nature and seriousness of the offences
35 for which the sentence appealed against was imposed and not overlooking his bad record we find no merit in this appeal and we do not feel that we would be justified in reducing the sentence. The appeal is, therefore, dismissed.

Appeal dismissed.