

CASES

DECIDED BY

THE SUPREME COURT OF CYPRUS

IN ITS ORIGINAL JURISDICTION AND ON APPEAL
FROM THE ASSIZE COURTS AND DISTRICT COURTS.

[VASSILIADES, MUNIR, JOSEPHIDES, JJ.]

ANASTASIS PANAYI GEORGHIOU *alias* MANDIS,
Appellant,
v.
THE POLICE,
Respondents.

1966
March 3

ANASTASIS
PANAYI
GEORGHIOU
ALIAS MANDIS
v.
THE POLICE

(Criminal Appeal No. 2808)

*Criminal Law—Appeal from conviction on several stealing charges—
Sentence—Appellant a habitual and incorrigible thief—Knowledge
of conditions of life and methods of treatment in Central
Prisons—A case demonstrating that such knowledge can be
extremely useful to Judges dealing with criminal cases—Social
aspect of the case—Observations by Court regarding efforts
to try and save an incorrigible thief for his family and for the
community.*

*Judges—Visits to prison by Judges dealing with criminal cases—
Occasional visits to prison by such Judges earnestly recommended
by Court of Appeal.*

This appeal against conviction on several stealing charges filed and fought by the convict personally presented no difficulty ; on record there was his plea of guilty and his voluntary statement to the Police where he made a clean breast of the several larcenies for which he was convicted ; but it presented interesting features with regard to sentence, the offender himself, and his family, for on the record there were social investigation reports in the light of which and

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in the light of the list of previous convictions of appellant the Court observed :

(a) That the appellant appeared to be a case of a habitual and incorrigible thief—(perhaps a medical case) where all sorts of sentences have been tried in the last twenty years ; and that if he is a medical case he should now receive treatment as such while serving his present sentence.

(b) That this is one of the cases which demonstrate that knowledge of conditions of life and methods of treatment, in our Central Prison, can be extremely useful to the Judge ; and through him, to the community as a whole. This is why occasional visits to the Prison, and constant interest in the social work performed therein, is so earnestly recommended from this Bench whenever occasion arises, to all Judges dealing with criminal cases.

(c) The Court further referred to the ill health of appellant's wife which has been undermined by appellant's conduct and stated that her influence, if that of a healthy and stable young mother, together with the paternal instinct and feeling of responsibility for his children on the one hand, and the fear of severe sentences on the other, may eventually prove strong enough in the hands of a skilful social worker, to help this man out of his difficulties, when back home again after he serves his term. It may help him to stay out, for longer periods and perhaps in the long end, save him, both for his family and for the community. It is always worth while trying to recover a man ; and in trying, one must use all the means available for achieving the purpose.

(d) The Court finally expressed the hope that the above observations will reach the authorities concerned in due course.

In the result the appeal was dismissed.

Appeal dismissed. Sentence to run according to law.

Appeal against conviction.

Appeal against conviction by appellant who was convicted on the 7th January, 1966, at the District Court of Kyrenia (Criminal Case No. 1641/65) on one count of the offence of stealing contrary to sections 255 and 262 of the Criminal Code Cap. 154, and was sentenced by Savvides, D.J., to eighteen months' imprisonment.

Appellant, in person.

No appearance for the respondents.

The facts appear in the judgment of the Court delivered by :

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VASSILIADES, J.: This is an appeal from a conviction in the District Court of Kyrenia on several stealing—charges, to all of which the appellant pleaded guilty. The appeal was taken on a notice apparently prepared at the instance of the appellant, in the Central Prisons, a few days after his admission there, in consequence of the convictions herein.

The only ground of appeal in the notice, is the appellant's belated allegation of innocence. But on the record there is also his voluntary statement to a Police Sub-Inspector, where the appellant makes a clean breast of the several larcenies for which he was convicted. The statement is exhibit 1, at page 5 of the record, produced to the Court by the prosecuting officer, after accused's plea of guilty.

There is obviously no substance whatsoever in this appeal ; so we found it unnecessary to call on the respondent. But we would observe that in the light of the Social Investigation reports (*exhibit 3 (a) and (b)* on the record) produced by the Probation Officer at the trial, and in the light of the list of previous convictions, admitted as exhibit 2, this appears to be the case of a habitual and incorrigible thief—(perhaps a medical case too) where all sorts of sentences have been tried in the course of the last nearly twenty years, apparently with no effect on appellant's stealing tendencies. Out of his seventy-three convictions, there are several for housebreaking and stealing, in one of which (No. 61 in the list) he received a sentence of five years imprisonment, with no deterrent or reforming effect whatever.

If this unfortunate man is a medical case, he should now receive treatment as such, accordingly, while serving his present sentence. And if he has the misfortune of being an incorrigible offender, medical evidence to this effect, from a qualified and experienced officer, will, no doubt, help the Court in dealing with him in future. Surely if such a person cannot benefit by institutional treatment, his own safety as well as the safety and protection of the general public, require that this should be taken into consideration in passing sentences upon him in the future.

This is one of the cases which demonstrate that knowledge of conditions of life and methods of treatment, in our Central Prison, can be extremely useful to the Judge ; and through him, to the community as a whole. This is why

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occasional visits to the Prison, and constant interest in the social work performed therein, is so earnestly recommended from this Bench whenever occasion arises, to all Judges dealing with criminal cases.

And now, perhaps, a word for this prisoner's family. His wife, whom, according to the Welfare Officer's report, the appellant married while he was in prison, is a young woman of poor health, now in an advanced stage of pregnancy for her second child, having in her present circumstances, the full responsibility of her first child, a little girl, just over a year old. The feeling of insecurity for herself and her child (or children) in such a husband's hands, seems to have undermined her health, physical as well as mental. She obviously needs attention and assistance; *sufficient assistance*, and constant care, to enable her to gather the courage required to face life in her circumstances.

And it may, moreover, be that her influence, if that of a healthy and stable young mother, together with the paternal instinct and feeling of responsibility for his children on the one hand, and the fear of severe sentences on the other, may eventually prove strong enough, in the hands of a skilled social worker, to help this man out of his difficulties, when back home again after he serves his term. It may help him to stay out, for longer periods, and perhaps in the long end, save him, both for his family and for the community. It is always worth while trying to recover a man; and in trying, one must use all the means available for achieving the purpose.

A careful examination of exhibit 2 (the list of convictions and sentences) is sufficient to show the haphazard treatment which this difficult and exceptional case has received in the past. We hope that our observations will reach the Authorities concerned, in due course.

The result of this appeal, as we have already indicated, is that it must be dismissed. The sentence to run according to law from today.

Appeal dismissed. Sentence to run according to law.