

ANDREAS COSTA STAVROU *alias* AFAMIS,
Appellant,

v.

THE REPUBLIC,
Respondent.

ANDREAS
COSTA
STAVROU
alias
AFAMIS
v.
THE REPUBLIC

(*Criminal Appeal No. 3100*).

Sentence—Sentence of eighteen months' imprisonment for possessing narcotics (cannabis sativa)—Narcotic Drugs Law, 1967 (Law No. 3 of 1967) sections 2, 3, 6, 24(1) (a) (2) and (3)—Appeal against sentence as being manifestly excessive—Appeal dismissed.

Narcotic drugs—Possessing—See supra.

Cannabis Sativa—Possessing—See supra.

The facts sufficiently appear in the judgment of the Court.

Appeal against sentence.

Appeal against sentence by Andreas Costa Stavrou *alias* Afamis who was convicted on the 22nd May, 1969, at the Assize Court of Famagusta on one count of the offence of possession of narcotic drugs contrary to sections 2, 3, 6 and 24(1) (a) (2) and (3) of the Narcotic Drugs Law 1967 (Law 3/67) and regulation 5 of the Narcotic Drugs Regulations 1967 and was sentenced by Georghiou, P.D.C., Savvides and Pikis, D.JJ. to 18 months' imprisonment.

Appellant, appeared in person.

S. Georghiades, Senior Counsel of the Republic, for the respondent.

The judgment of the Court was delivered by :

VASSILIADES, P : This is an appeal against a sentence of 18 months' imprisonment, imposed on the appellant by the Assize Court of Famagusta on May 22, 1969, for the possession of 16.7 gr. of cannabis sativa, contrary to the provisions of the Narcotic Drugs Law (3 of 1967). The appeal is taken on the ground that the sentence is manifestly excessive. The sentence provided by the Narcotics Law, as now amended, is ten years' imprisonment and/or £1,000 fine.

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At the trial, the appellant appearing in person, applied for the assignment by the Court of an advocate to defend him. In the circumstances of the case, as they appear on the record, the Court appointed for his defence the advocate of appellant's choice, Mr. K. Saveriades ; and afforded to him sufficient opportunity to study the case for the purposes of the defence.

At the next hearing, when the appellant was charged in the presence of his advocate, he pleaded ' guilty '. The other person, however, who was jointly charged with the appellant for the commission of the same offence, pleaded ' not guilty ' ; and the Court, following the usual practice in such cases, postponed passing sentence on the appellant until after the hearing of the case against the other accused.

At the conclusion of the case for the prosecution, the Court upheld a submission on behalf of the accused that no *prima facie* case was made against him ; and the accused (appellant's co-accused) was accordingly acquitted. The Assize Court then proceeded to consider sentence in the case of the appellant. The Court had before them at that stage, the opening of the case for the prosecution ; as well as the evidence already taken regarding the offence of which the appellant was jointly charged as already stated. Upon that material, and after hearing learned counsel for the appellant in mitigation, the Assize Court imposed the sentence in question in his (appellant's) case.

The reasons for which the Court imposed 18 months' imprisonment appear in the relative part of the record, a quotation from which presents sufficiently the position. The Assize Court say :

" The accused pleaded guilty to a charge of possessing 16.7 grams of cannabis, a narcotic drug. The accused is a fireman on board the ship ' Salamina ' and in the course of his employment travels to various ports. It has been stated by counsel for the prosecution that cannabis in the processed condition produced before us, is not locally manufactured but imported from abroad. The accused attempted to sell the illicit substance to a prostitute asking for the exorbitant sum of £40. The consumption of such a substance would put to peril the health of a certain section of the community.

... ..

The personal circumstances of the accused were fully placed before us by learned counsel for the defence, and we have duly taken them into consideration. The accused has a fairly recent similar conviction and it is obvious that he did not take the chance given to him by the Court to reform ”.

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After hearing this morning appellant’s plea for leniency on compassionate grounds, (particularly the usual story of family commitments, which most accused remember at the time of sentence but unfortunately they seem to forget at the time of the offence) we found it unnecessary to call on counsel for the prosecution. We unanimously take the view that there is no merit whatsoever in this appeal; and that the sentence imposed is rather on the lenient side. If we went further into the matter, we might probably reach the conclusion that in the circumstances, it should be increased. Be that as it may, it is sufficient to indicate the view which this Court takes of the type of offence in question. The appeal is dismissed. The sentence to run according to law from the determination of the appeal.

Appeal dismissed.