

CASES
DECIDED BY
THE SUPREME COURT OF CYPRUS
ON APPEAL
AND
IN ITS ORIGINAL JURISDICTION

Cyprus Law Reports

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[TRIANTAFYLIDIS, P., DEMETRIADES, SAVVIDES, JJ.]

ATHANASSIOS E. KATEKKOS,

Appellant,

v.

THE POLICE,

Respondents.

(Criminal Appeal No. 4098).

*Criminal Law—Sentence—Driving whilst under the influence of drink—
Section 9(1)(2) of the Motor Vehicles and Road Traffic Law,
1972 (Law 86/72)—Three months' imprisonment and twelve
months' disqualification—Seriousness of offence—Appellant's
5 young age (twenty-two) and personal circumstances (difficult
family life) not mitigating factors in relation to particular
offence—Appeal dismissed.*

10 The appellant pleaded guilty to the offence of driving a car in
Larnaca whilst he was under the influence of drink and was
sentenced to three months' imprisonment and was disqualified
from holding or obtaining a driving licence for a period of three
months. He was twenty-two years old and had previous
convictions for the offences of driving without a driving licence
and without third party insurance.

Upon appeal against sentence:

Held, (after stressing the serious nature of the offence) that the young age of the appellant cannot be treated in the present case as a mitigating factor because, unfortunately, those who drive in a manner which constitutes a lethal danger to other citizens are quite frequently young persons; that the personal circumstances of the appellant, namely that he has had a difficult family life, cannot be treated as being so relevant to the assessment of sentence in this case as to render it advisable to impose on him a lesser sentence than the one which has been passed upon him at the trial; and that, accordingly, the appeal must be dismissed.

Appeal dismissed.

Cases referred to:

Michael v. Police (1975) 2 C.L.R. 113.

Appeal against sentence.

Appeal against sentence by Athanassios E. Katekkos who was convicted on the 23rd November, 1979 at the District Court of Larnaca (Criminal Case No. 6873/79) on one count of the offence of driving a car whilst under the influence of drink, contrary to section 9(1)(2) of the Motor Vehicles and Road Traffic Law, 1972 (Law 86/72) and was sentenced by Michaelides, D.J. to three months' imprisonment and was further disqualified from holding or obtaining a driving licence for a period of twelve months.

A.S. Angelides, for the appellant.

R. Gavrielides, Counsel of the Republic, for the respondents.

TRIANTAFYLLIDES P. gave the following judgment of the Court. In this appeal the appellant complains against the sentence of three months' imprisonment and disqualification from holding or obtaining a driving licence for a period of twelve months which was passed upon him on November 23, 1979, when he was found guilty, on his own plea, of the offence of driving a car in Larnaca, on September 8, 1979, whilst he was under the influence of drink, contrary to the provisions of section 9(1)(2) of the Motor Vehicles and Road Traffic Law, 1972 (Law 86/72).

Counsel for the appellant has submitted that the sentence is manifestly excessive in view of the young age of the appellant, who is twenty-two years old, and, also, because undue weight

was, allegedly, given by the trial Court to the nature of the offence and not sufficient weight to the personal circumstances of the appellant as an offender, as such circumstances are recounted in a social investigation report which was before the
5 trial Court.

Counsel for the respondents has submitted that though the sentence in question may be regarded as severe, it is not, in the circumstances of this case, manifestly excessive or wrong in principle, so as to entitle this Court to interfere in favour of the
10 appellant.

We agree with the trial Judge that the offence of driving under the influence of drink, and, especially, in a densely populated area, like the town of Larnaca, is an offence of a very serious nature, indeed; we have had occasion to stress this in, *inter*
15 *alia*, *Michael v. The Police*, (1975) 2 C.L.R. 133.

The young age of the appellant cannot be treated in the present case as a mitigating factor because, unfortunately, those who drive in a manner which constitutes a lethal danger to other citizens are quite frequently young persons. Nor can we treat
20 the personal circumstances of the appellant, namely that he has had a difficult family life, as being so relevant to the assessment of sentence in this case as to render it advisable to impose on him a lesser sentence than the one which has been passed upon him at the trial.

His position is made even more difficult by the fact that he seems to be a person who pays no regard to the requirements of the law in relation to the driving of motor-vehicles, because he has, already, in spite of his young age, previous convictions for the offences of driving without a driving licence and without
25 third party insurance.
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Having all these in mind we find that this is not a proper case in which to reduce the sentence passed upon the appellant and this appeal has, therefore, to be dismissed.

Appeal dismissed.