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BETWEEN : SIMEON NELSON  
(Appellant)

AND : PUBLIC PROSECUTOR  
(Respondent)

CC 07-1987

Mr Rissen for Appellant.  
Mr Dickinson for Respondent.

JUDGMENT

This is an appeal against a total sentence of 18 months imprisonment for two offences of misappropriation of public funds.

The main ground of appeal is that the learned Chief Justice sitti as a magistrate did not hear many of the matters now raised in mitigation in the letter sent by the accused.

In a written Judgment the learned Chief Justice states that the sentence is computed in an attempt to persuade other offenders from committing this offence.

The facts reveal an all too common pattern. It falls short of theft and I feel the Chief Justice bore that in mind.

I appreciate this is a severe sentence but I also accept that the learned Chief Justice feels it necessary to allow the deterrent factor in the sentence to override matters of more personal mitigation.

This Court can only interfere if the sentence is manifestly excessive or wrong in principle and not simply because it may have imposed a lesser sentence if trying the case.

I have said I feel this is a severe sentence but it is quite proper and I am sure the learned Chief Justice bore the Appellant's circumstances well in mind when deciding on the length.

The appeal against sentence is dismissed.

Dated at Vila this 8th day of March, 1988.

*Gordon Ward*

Gordon Ward  
Judge of the Supreme Court

