

HONG KONG / JUDGMENT

HKSAR v. LEONARDA MILLO SIMON

COURT

Court of First Instance

DECIDED

29 January 2004

CASE / FILE NUMBER

HCMA1195/2003

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bjbj HCMA 1195/2003 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. 1195 OF 2003 (ON APPEAL FROM TMCC 3642 /2003)

BETWEEN HKSAR Respondent and LEONARDA MILLO SIMON Appellant

Before: Hon Beeson J in Court Date of Hearing: 29 January 2004 Date of Judgment: 29 January 2004

J U D G M E N T

The Appellant was charged with one count of Possession of an Identity Card relating to Another Person, contrary to section 7A(1A) of the Registration of Persons Ordinance, Cap. 117 and one count of Breach of Condition of Stay, contrary to section 41 of the Immigration Ordinance, Cap. 115. She pleaded guilty to those charges and was sentenced to 15 months imprisonment on the first charge and 10 months imprisonment on the second charge with 5 months of the term of the second charge ordered to be consecutive to the 15-month term. The total sentence was 20 months imprisonment. She now appeals against both sentences. The facts show that she was stopped by the police and when asked to produce proof of identity, she produced a Hong Kong Identity Card relating to another person. She claimed to have picked up the card that she produced to the officer. She was arrested on 9 November 2003 and was found to have been overstaying since 5 February 1998. The Magistrate was told that she had lived with friends in Hong Kong, because she lacked the money to buy an air-ticket and had been supported by her friends for over 5 years. Unsurprisingly the Magistrate found that very hard to believe. In sentencing, the Magistrate took note of the principles set out in Chan Man Mo. Today, the Appellant asked forgiveness for her offences and said that nobody is able to look after her children if she was in prison because her

parents were aged. She also set out in a letter to the court various matters relating to the problem of her daughter who was, allegedly, raped by her father, the ex-husband of the Appellant. Although one has sympathy for the personal problems of people in Appellant s position, there was nothing put before me to show that the sentence was wrong in principle, or excessive. I can find no basis to interfere with the sentence and this appeal against sentence is dismissed. (C-M Beeson) Judge of the Court of First Instance Miss Kathie Cheung, SGC of Department of Justice, for the Respondent Leonarda Millo Simon, Appellant, in person PAGE - A B C D E F G H 1udk 1udk O P Q R S T U V A B C D E F G H I J K L M N O P Q R S T U V i\$&`G user HCMA-abc.dot setup Microsoft Word 9.0 Judiciary Hong Kong Title Microsoft Word Document MSWordDoc Word.Document.8

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