

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 457 of 1976

THE REPUBLIC

vs.

MORGAN SOLOMON

CHARGE:

1. Damaging property. C/S. 469 of the Criminal Code Act, 1899 of Queensland - The First Schedule.

JUDGMENT:

The accused is charged for wilfully and unlawfully damaging 30 glass louvres.

It is in evidence that at the time of the incident the occupant of the house, Gloriana Ketner, was in hospital and she was informed by her brother that glass louvres, picture frames and bottles were broken in her house.

According to witness Lanza Apollo, the accused broke about 10 louvres by hitting them with his hand. The louvres were not broken accidentally.

This evidence contradicts the statement made by the accused to the Police which has been tendered as Exhibit "A". According to Exhibit "A" and witness Nelson Tamakin, police constable, the blow that was intended for May struck the glass louvres when she was pushed aside by Lanza.

I would, however, prefer to accept the evidence of the eye witness to the incident namely, Lanza Apollo, and I, therefore, hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty of causing wilful and unlawful damage to about 10 glass louvres. I, therefore, find him guilty and convict him.

23rd June, 1976.

R. L. DE SILVA
Resident Magistrate