

Magistrate Law

Mr Wilisoni Kurisqila for the Prosecution

Mr Knox Tolenoa for the Defendant

Date of Sentence: 8.6.11

Citation: [2011] NRDC 25

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REMARKS ON SENTENCE

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Gabriel Ika you have pleaded guilty to the following offence:

**Count 1**

That on 2<sup>nd</sup> May 2011, at Nauru, you did drive a Honda motorcycle on a public road whilst being under the influence of intoxicating liquor in contravention of section 21(1) of the Motor Traffic Act 1937.

The maximum sentence for driving under the influence is a \$200 fine or 6 months imprisonment.

The facts are as follows: *On 2<sup>nd</sup> May 2011 at about 12.30am Sgt Raynor Tom was conducting a patrol and signaled for you to stop your motorcycle because it had a defective front head light. You continued past the police to the junction of the road going around the air strip on the seaward side. Sergeant Raynor Tom approached you and you told police you did not want to stop as you may have been in breach of bail. Sergeant Raynor Tom observed you smelt heavily of alcohol and that you had red eyes. You were apprehended and escorted to the Correctional Centre where you were detained.*

I understand you had no prior convictions before committing this offence. Apart from demonstrating poor judgment by failing to stop promptly, you co-operated in all other respects with police. Police did not report any complaint about your manner of driving and you were not involved in an accident. Your guilty plea reflects remorse for your conduct. You have already been fined for having a defective head light on your motorcycle. I am advised you are not currently employed and have limited capacity to pay a fine. I take these factors into account.

Driving on the roads is a privilege and not a right. All drivers must obey the basic road rules. Driving under the influence is a serious offence because it endangers the lives of members of the public as well as yourself.

Gabriel Ika, you are convicted and sentenced as follows: You are fined \$50 with 28 days to pay