

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 5 of 1976

PAULUS WALTON AGICO

Appellant

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

20th May, 1976 at 11.15 a.m.

In Court

Before Mr. Justice I.R. Thompson, Chief Justice

For the Appellant: Mr. D. Deiye

For the Respondent: Mr. L.D. Keke, Legal Officer

Appellant present.

Appeal against sentence* only.

MR. DEIYE: The appellant is 18. He was first convicted of stealing in 1970. He was bound over. He did not break the bond. He was next convicted in 1973 for stealing. In this case the District Court failed to take into account the lapse of time of three years between the first and second offences, during which the appellant's behaviour was good.

In 1972 the appellant's father died. The appellant was then 14. He was the victim of circumstances and a change of environment. As a result he committed offences of stealing again in 1973. Since then he has behaved well until he committed another offence this year. He has a good chance of being reformed now. There is no rehabilitation centre in Nauru.

His widowed mother has asked me to request the Court to give the appellant a last chance to reform. He is employed as a carpenter by the N.P.C.

The offence was done by the appellant together with others.

COURT: They were all younger than he was, and all but one were first offenders.

MR. DEIYE: I ask for leniency. He did not address the District Court for leniency.

MR. KEKE: I ask that the sentence be upheld. The appellant was given a chance three years ago. Effect was short-term only. The District Court obviously took the view that a deterrent sentence was now required.

He was the oldest in the group of boys who committed the offence.

COURT: The appellant is only 18. He comes from a home where he has lacked the control of a father since 1972. He has not been convicted until now since 1973. I can well see why the sentence of three months' imprisonment was imposed and it is not wrong in principle. It may well be that the proper course will be for this Court to confirm it. However, before a decision is taken I should like to have a full report on the appellant from the probation officer.

ORDER: = Adjourned until the 31st May, 1976 at 9.00 a.m. for probation officer's report.

I. R. THOMPSON
Chief Justice

20/5/76.