

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 17 of 1977

CLIFFORD BILL

Appellant

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

10th January, 1978 at 11.40 a.m.

In Court

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

For the Republic: Mr. D.G. Lang

For the Appellant: Mr. G. Star

Appellant present.

Interpreter: Mr. Alec Harris, Clerk of Courts

ORDER: Adjourned until 13/1/78 at 9 a.m.

I.R. THOMPSON
Chief Justice

10/1/78

13th January, 1978 at 9.10 a.m.

For the Republic: Mr. D.G. Lang

For the Appellant: Mr. P.H. MacSporran

Appellant present.

Appeal against sentence* only.

MR. MACSPORRAN: My submissions in Crim. Appeal 19 of 1977
apply to this appeal also.

Appellant was sentenced yesterday to 9 months imprisonment. Ask for any prison sentence to be made concurrent with that sentence.

MR. LANG: 3 p.c. for similar offences. Combination with other offence is two cases.

Concurrent sentence not within powers of Court - not same occasion for sentence.

MR. MACSPORRAN: I am unable to address the Court on that point.

COURT: S. 20 of the Criminal Code applies.

JUDGMENT:

For the reasons given in Crim. Appeal No. 19 of 1977, to which the appeal is similar both in the facts and the circumstances of the appellant, the appeal is allowed, the sentence is set aside and a sentence of 2 weeks' imprisonment with hard labour is imposed in its place. As this is an entirely separate offence from that for which the appellant was sent to prison yesterday, in principle the sentences should run consecutively and not concurrently and I so order.

I.R. THOMPSON
Chief Justice

13/1/78

*(Sentence: 3 months' hard labour.)