

REPUBLIC OF NAURU
SUPREME COURT
CRIMINAL APPEAL NO. 11 OF 1981

MATHEW FRITZ
v.
DIRECTOR OF PUBLIC PROSECUTIONS

JUDGMENT

The present offence is the second of its kind ^{by the appellant} within one year. It follows a break of about two years after a number of years of trouble and convictions. The break coincided with his marriage. The D.P.P. takes the view that leniency may have an appropriate effect. I think that what is really needed is for the appellant to receive some counselling and guidance - preferably from Father Lahn - and to be allocated a house of his own, as living with parents is conducive to marital quarrels.

The sentence imposed by the learned magistrate was not wrong in principle nor was it excessive; ^{but,} now that I have heard Mr Dowiyogo and Mr Lang, I think that it may be worthwhile to give the appellant a chance to reform himself.

The appeal is allowed; the sentence is set aside; and a fine of \$10 is imposed in its place.

I.R. Thompson

CHIEF JUSTICE

12th August, 1981