

IN THE SUPREME COURT OF NAURU

CRIMINAL CASE NO. 2/2007

BETWEEN:

THE REPUBLIC

AND:

DANIEL ADAM

Mr. Peter MacSporran for the Republic

Mr. Vinci Clodumar for the Accused

DANIEL ADAM: You were charged with rape.

On your arraignment you pleaded Not Guilty to rape but Guilty to Indecent Assault. The prosecution accepted your plea.

It happened one night about ten o'clock between last Christmas and New Year. The victim a girl 12 years old was at a public event to celebrate the season. She and a young girlfriend of about the same age were at the Florro West store to buy coffee. You are a friend of the cousin of the victim's companion. This girl called to you. You came over and spoke to the victim. You persuaded the victim to go with you to the Boe cemetery. It was dark. You said, "Are there any members of your family you can fix me up with?" She said "Sheba". You said, "Sheba? Why not you?" You pulled down your trousers. You forced her to the ground. She shouted but no one came to help her. You took off her under garments and took off your own. You got on top of her. She shouted out. You were kissing her, trying to put your tongue in her mouth. You denied to me, on oath, that your penis penetrated the girl and that denial was not challenged. You got up – sat beside her. She went back to the store. Later she complained to her mother.

You are 23 years old, married with a baby daughter. Mr. Clodumar said there has been an apology to the victim's family. You regret the incident. You are not now employed.

This indecent assault is a serious one. You used some force to make this young girl comply. She shouted for help but none came. You are 10 years older.

You spent one month in custody on remand before getting bail. I shall take that into account in fixing penalty.

In your favour is that this was your first offence and you have pleaded Guilty. This means a less severe sentence than otherwise.

Taking into account that you have already been in custody for a month you will be imprisoned for another 9 months.

**HON. ROBIN MILLHOUSE, QC
CHIEF JUSTICE**

6 December 2007