

IN THE SUPREME COURT OF NAURU

Criminal Case No. 9/09

(Criminal Jurisdiction)

The Republic

Vs

Justin Olsson

Mr. Henry Kausimae, A/DDP prosecuting

Mr. Knox Tulenoa for the accused

Date of hearing 5th August, 2009

Date of Judgment 7th August 2009

JUDGMENT

Justin Olsson is charged with Robbery.

Particulars

That on the fourteenth day of April, 2009 at Nauru, JUSTIN OLSSON did rob SHU XIN HE of a sum of money.

Shu Xin He is a storekeeper:-

"....two Nauruan boys came on motorbike: are came in, wandered around – "buy something?" I turned to back – put something back on rack. Nauruan grabbed my neck; "Go inside and get the money for me." Small knife – threatened me with small knife to neck. 'I have no money.' Put away knife, punched me on the eye and jaw. Took money from my pocket about \$10.00 or \$11.00. My Nauruan neighbour across street to help me. The two of them went off on the motorbike. Eye, neck and jaw: punched me three times: almost lost consciousness."

Shu's evidence was corroborated to an extent by Kanibin Appin:-

"I went to Chinese store.....On the other side of road. Chinese not stable when he walked. Saw knife on Justin: holding it in his left hand : small. Helped Chinese in picking up money."

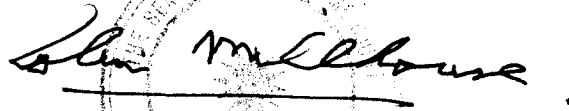
In cross examination Kanibin said the accused had been his best friend at school.

The accused said – and there was no evidence to contradict him – that Merapuiki’s father is his uncle and he went to the house often: he came on this occasion to see Merapuiki’s brother, Dodea, to go and have a drink. It was only when he was in the house that he had the argument with Merapuiki.

That being so, the accused is not guilty of entering a dwelling house with intent.

On arrangement the accused pleaded guilty to the second count of Common Assault. I do not yet know the facts relating to it.

In summary, the accused is guilty on the counts of robbery and the two counts of common assault and not guilty on the count of entering a dwelling house with intent.



Hon. Robin Millhouse QC
CHIEF JUSTICE

The signature is written in black ink over a circular official seal. The seal contains the text 'THE COURT OF THE SUPREMACY' at the top and 'CHIEF JUSTICE' at the bottom. The signature is 'Robin Millhouse'.