



**IN THE SUPREME COURT OF NAURU
AT YAREN
[CRIMINAL JURISDICTION]**

Criminal Case No. 10 of 2024

BETWEEN: THE REPUBLIC

PROSECUTION

JOSHUA HIRAM

ACCUSED

BEFORE: Keteca J

Date of Hearing: 24th March – 01st April 2025

Date of Judgment: 12th May 2025

Catchwords: Public Nuisance: Contrary to Section 248 (1) (a) (b) and (2) (a) (i) or (v), Obstructing Public Official: Contrary to Section 242(a) and (b) ; and Causing Harm to Police Officer: Contrary to Section 77(a) (b) (c) and (d) of the Crimes Act 2016.

Appearances:

Counsel for the Prosecution: **M. Suifa'asia**

Counsel for the Accused: **J. Olsson**

JUDGMENT

BACKGROUND

1. Under the Crimes Act 2016, the accused is charged with the following offences:
 - i. Public Nuisance: Contrary to Section 248 (1) (a) (b) and (2) (a) (i) or (v),
 - ii. Obstructing Public Official: Contrary to Section 242(a) and (b); and
 - iii. Causing Harm to Police Officer: Contrary to Section 77(a) (b) (c) and (d).

2. The prosecution called 7 witnesses. The defence called 2 witnesses after the accused opted to remain silent.

THE LAW

3. 'Causing Harm to Police'

Section 77(a)(b)(c)(d) of the Crimes Act 2016 provides:

'A person commits an offence, if:

- (a) the person intentionally engages in conduct;*
- (b) the conduct causes harm to another person without the person's consent;*
- (c) the person intends to cause harm to the other because the person believes the other person is a police officer; and*
- (d) the other person is in fact a police officer.'*

Penalty;

- (i) If aggravating circumstances apply- life imprisonment of which at least 12 years imprisonment to be served without parole or probation; or
- (ii) In any other case- 20 years imprisonment, of which imprisonment term at least one third to be served without parole or probation.

4. 'Obstructing Public Officer'

Section 242(a) and (b) of the Crimes Act 2016 provides:

'A person commits an offence if:

- (a) The person obstructs, hinders, intimidates or resists another person in the exercise of the other person's functions as a public official; and*
- (b) The person believes the other person is a public official.'*

Penalty: 2 years imprisonment.

5. 'Public Nuisance'

Section 248(1)(a)(b) and (2) (a) (i) of the Crimes Act 2016 provides:

(1) *A person commits an offence if:*

- (a) *The person engages in conduct in a public place or within view of a public place; and*
- (b) *The conduct amounts to a public nuisance.*

Penalty: 6 months imprisonment.

(2) Without limiting subsection (1) (b), conduct amounts to a 'public nuisance' if the conduct:

(a) Unreasonably interferes, or is likely to unreasonably interfere, with the peaceful use of a public place and involves behaviour that:

- i. Is disorderly; or
- ii. Is offensive; or
- iii. Is threatening; or
- iv. Is violent; or
- v. Is drunken; or
- vi. Disturbs public worship; or

(b) Involves challenging, encouraging or subscribing to a fight, either orally or in writing.

(3) In a prosecution for an offence against this section, evidence of more than 1 kind of behaviour mentioned in subsection (2)(a) may be relied on to prove the offence.

(4) A police officer may charge a person with an offence against this section despite the absence of a complaint by another person.

(5) In this section:

'offensive behaviour' includes the use of obscene, indecent or abusive language.

'public place' means a place whether or not covered by water, or premises that is open to the public, or is used by the public, whether or not:

- (a) Payment of money or other consideration is required to use the place or premises; or
- (b) The place or premises is ordinarily open or used by the public; or
- (c) The public to whom it is open consists only of a class of people.

'threatening behaviour' includes the use of threatening language.

6. 'Intention' is defined under Section 17 of the Crimes Act 2016 as:

(1) A person has 'intention' with respect to conduct, if the person means to engage in the conduct.

(2) A person has 'intention' with respect to a circumstance, if the person believes that it exists or will exist.

(3) A person has 'intention' with respect to a result, if the person means to bring about or is aware that it will occur in the ordinary course of events.

PROSECUTION CASE

7. PW1- Dr David Bill said-

- He examined Police Officer Shane Brechterfeld on 21 Sept 2024. A case of alleged assault. He recorded at D12 of the Medical Report- ' Left upper eyelid laceration.' At D-16- ' The patient's injury was dressed, given oral antibiotics and advised for review at eye clinic. The bleeding was controlled and is expected to make full recovery.'
- On **cross- examination** he said that he can't recall whether the officer was still bleeding when he presented himself. He did not ask the patient whether he had any difficulty with his vision. He referred to Appendix 6 on the meaning of ' laceration'- ' a tear of the skin caused by blunt force.'
- On **re- examination**- he explained para B(5)(a) and the patient complied, implying he consented to be medically examined.

8. PW2- Const Agongo Moses said:

- He, Sgt John Deidenang and S/C Shane attended to a report of a brawl at the Oval on 21st Sept 24. The accused was walking towards the Mobit residence (Accused's home). Sgt John spoke to the accused and he ran across the road. Sgt John pursued him on foot and grabbed his left arm and tried to calm him down. He opened the police vehicle cage door. Sgt John and SC Shane tried to get the accused into the cage. The accused refused. The accused was shouting, swearing and pushing the police officers. The accused kicked the cage door. SC Shane said- ' Don't bite my ear.' **The accused punched SC Shane's left eye.** The accused jumped out of the cage. Sgt John and SC Shane put him on the ground. A police back up vehicle arrived. He handcuffed the accused. **SC Shane's left eye was bleeding.** They took the accused to the police station and he escorted the accused to the 'watch- house.'
- When he first saw the accused on the main road, he had no shirt on. He was covered in dust with some blood on his shoulder. He appeared drunk as he was shouting. He and Constable Sam Bill later took SC Shane to RON Hospital for medical checks.
- On **cross- examination** he said- he didn't know that the accused lived at Mobit's house. The accused was swaying from side to side and was fully drunk. The accused resisted arrest. Sgt John and SC Shane attempted to put him in the cage. He tried to close the door. The accused kicked the door open. He jumped out of the cage. Sgt John and SC Shane grabbed the accused and put him on the ground. The accused tried to bite SC Shanes's ear and head. **He saw the accused punch SC Shane.** He did not see any police officer punch the accused.
- **SC Shane's eye was bleeding.**

9. PW3- S/C Shane Brechterfield said:

- H was the driver of the police vehicle and he saw the accused at Aiwo who was ' full drunk.' He told the accused to get into the police vehicle cage. The accused refused. **The accused punched him on his left eye.** Two other officers assisted him. The accused was handcuffed and taken to the station. He identified the photos of himself showing the cut on his eyelid. He was taken to RON hospital and allowed Dr Bill to examine him.
- When he was trying to put the accused in the cage, the accused spat at him and tried to bite him.
- On **cross-examination**- he knows the accused well. The accused was aggressive and swore at him and his mother. After the accused punched him, he threw him to the ground. He denied that he was punched by another police officer. **He confirmed that it was the accused who punched him.**
- On **re- examination**- the accused tore his shirt button.

10. PW4- SC Sam Bill said:

- At Aiwo, whilst other officers were struggling with the accused, he was looking after the traffic and clearing the crowd. He saw the injury on S/C Shane's eye. He drove the accused to the Police Station and took the photographs of SC Shane. Three of the photos, PEX2, show the injury on S/C Shanes eye.
- On **cross- examination**- the accused was very aggressive. The police officers did not slam the cage door on the accused's hands. He was directing traffic at the scene. He escorted the accused to the watch-house.

11. PW5- SGT Dan Botelanga said:

- He was the IO and interviewed the accused. He explained his rights. He called Public Legal Defender Ravu. He was not in the office. The accused said for the interview to proceed and he'll exercise his right to silence. He was charged for the 3 offences. He took the photos where the arrest took place. This is PEX3. The sketch he drew- PEX4.
- On **cross- examination**- the interview was conducted in English. There was no Nauruan interpreter. He does not read nor write Nauruan. What he has on the Record of Interview- he explained in Nauruan. The accused exercised his right to silence. He did not ask the accused whether he could read or write in English or Nauruan.
- Q- Did he understand what you were saying in Nauruan?
- Ans- When I asked whether he understood, he said- " I understand in Nauruan."
- He was referred to the charge form and agreed that all should be translated in Nauruan. He agreed that when the accused was charged, he did not have a legal representative. No Nauruan translator at the station.
- On **re- examination**- the allegations were put to the accused, his right to silence, right to a lawyer and process of interview. He could not wait for the public defender as the accused had to be produced in court.

12. PW6- SC Brujaldo Saxon said:

- He drove police vehicle NPF 134 to the scene. He saw S/C Shane trying to put the accused into the cage. When he got to them, the accused was on the ground. Other officers tried to hold him down. PC Moses applied the handcuffs. When he was lifted up, he recognised him as the accused. **The accused was aggressive, swearing and challenging S/C Shane to a fight.**
- On cross- examination- **he knows the accused well.** They grew up together. **The accused was always aggressive- even as a child. He had a temper.**
- The accused was kicking the cage door from inside. When he was on the ground, AJ Moses applied the cuffs on him.

13. PW7- SGT John Deidedang said:

- He attended the report with PW2 and PW3. At Aiwo, the accused was shouting at people in his house- Mobit's house. He was 'full drunk.' I asked him - 'what happened? He said- 'he wanted to challenge his coach for not allowing him to play in a football game. (The football final was held earlier on that day) I told him that we were arresting him. He grabbed the accused's arm. The accused ran off. He stopped the accused. Escorted him back to the police vehicle. He and S/C Shane tried to put him in the cage. The accused resisted.
- **The accused punched PW3 on the face. He saw the blood on PW3's face.** PW3 and others apprehended the accused. He was taken to the police station.
- He knows the accused personally. They were neighbours. **The accused is his friend who gets aggressive when drunk.**
- On cross- examination, he attended to the report as he knew the accused. The accused said he wanted to go and challenge his coach. He was shouting at people in his own house. He stopped the accused from going to fight his coach. They couldn't put the accused in the cage as he kept trying to get out and swearing at PW3.
- **He clearly saw the accused punch PW3.**
- On re- examination- **PW3 was right beside him when the accused punched him.**

14. The prosecution then closed its case.

DEFENCE CASE

15. The accused opted to remain silent.

16. DW1- Boris Grundler said:

- He saw the accused with some team members were drinking at Bingham's residence. The accused was 'over drunk.' He decided not to drink but to look after the accused who was drinking from a Vodka bottle. The accused was the only one drinking the Vodka- AK47. The accused was drunk, head swaying from side to side and swearing at other people. He asked the accused to travel with him on his bike. The accused said he had his own. The accused attempted to get on his own bike but he couldn't maintain his balance and he fell off. He got the accused onto his own bike and drove them to Aiwo. The accused sat behind him on the bike.
- At Tigers Oval, the accused got off. The accused challenged a Tommy Daniel to a fight. Tommy playfully head locked him and knocked his head with his pointed knuckle.
- The accused took off his pants and hung it on his shoulder. He told the accused to put his pants on. The accused said-'Fuck off.' The accused then put his pants on, walked to the main road and headed to his home. The accused was not walking straight. Tommy and I were yelling at him to go home.
- On **cross-examination**- at Buada, the accused was drinking with 2 others. He did not want to drink the punch as he was drinking the Vodka, straight from the bottle. The accused was very drunk.
- When he told the accused to go home, the accused was on the footpath close to his home.

17. DW2- Salisha Hiram said:

- The accused is her uncle and they live together at Mobit's house. She saw the accused on the footpath. **He was ' full-drunk,' staggering all over the place.** She was about to call him to come home when the police arrived. SGT John and 2 others approached the accused. **The accused ran off, staggering / drunk all over the place.** The police officers chased him. They picked him up and put him in the police vehicle cage. They tried to close the door. They couldn't as the accused's hands were on the cage door frame. Police officers kicked the door to close. It didn't. The accused still had his hands on the cage door frame.
- The police officers pulled the accused off the cage and had him on the ground. The accused was ' out of control' and shouting. **She did not see the accused punch a police officer.** The accused was handcuffed and put in the cage.
- On **cross- examination**- the accused was celebrating on that day. He did not play. Her sister Amnesia called the police as the accused was very drunk.
- **The accused gets angry quickly when drunk. She did not see the accused punch a police officer.** The accused was shouting. He was angry at the police. Very drunk.

SUBMISSIONS BY THE PROSECUTION

18. **Public Nuisance-** PW7, PW2 and DW1 testified that the accused was shouting, staggering and swearing at people on the footpath of the main road at Aiwo. They observed the accused ‘ fully drunk.’ The accused challenged Tommy Daniel to a fight at the Oval. The accused was sweaty, dirty and had blood on his body.
19. **Obstructing a Public Official** - PW7 spoke to the accused that he will be arrested for being drunk and disorderly. PW2 confirms this. The accused told PW7 that he wants to challenge his coach for not letting him play in a football game earlier that day. The accused ran off. PW7 apprehended him. Two other officers assisted in his apprehension.
20. **Causing Harm to Police Officer-** counsel summarised the evidence of PW2, PW7, PW3 and PW6 to show that the accused committed this offence as charged.
21. PW1, Dr David Bill provided the evidence of examining and dressing PW3’s lacerated eye. As circled by him on Appendix 6 of the medical Report- ‘Laceration’ means ‘ A tear of the skin caused by blunt force.’
22. Counsel refers to ‘ bad character evidence’ adduced by the defence by DW2 that the defendant gets angry when drunk. This was supported by PW6 in cross examination when he confirmed that **‘Joshua was an aggressive child, he had a temper.**
23. Counsel further submits that the evidence of bad character of the accused as an aggressor is ‘ tendency evidence.’ She refers to paragraphs [212] & [213] of the decision of the High Court of Australia in *Hughes v R* [2017] HCA 20, on ‘ tendency evidence.’
24. Counsel adds- *“The evidence of the defendant as an aggressor is sufficiently closely related to the evidence of public nuisance, the resistance of police apprehension and assault of PW3. That evidence of bad character has the capacity to infer the behaviour of the defendant at the time of the offending to be considered in proving the charges against him.”*
25. On whether the accused was lawfully arrested, Counsel refers to *R v Agege* [2021] NRSC 29 where the court said at [14]:
‘The arresting officer acting under section 270 of the Crimes of the Act must have in mind at the time of the arrest, ‘ the alleged offence committed against (The Crimes Act)’ and he should inform the person at the time of the arrest , the factual basis and ‘or nature of the particular offence allegedly committed by him/her. Whatsmore, the officer should be able to justify (if asked) why he considers the arrest is ‘reasonably necessary.’ Counsel submits that the evidence show that the accused was lawfully arrested.
26. Counsel concludes that there is sufficient evidence that the accused committed the offences outlined in Counts 1, 2 and 3.

SUBMISSION BY THE DEFENCE

27. **Public Nuisance-** with reference to the evidence, Counsel submits – ‘ *But Joshua did not go home to rest because the police intervened. The police could have sent him to rest, and that was just across the road. If anything, Joshua Hiram was not a nuisance but he was ‘the butt of the footballers’ joke at the Oval. Perhaps his niece should have sent for the police to save her Uncle Joshua from making a ‘chump’ of himself.*’
28. Counsel adds- ‘ *The behaviour of Joshua Hiram did not constitute unreasonable interference in a public place. As an individual, his impact was minimal and he did not raise additional activities that called for further complications on the footpath as the said public place.*’
29. **Obstructing Public Official-** Counsel refers to *R v Jeremiah* [2021] NRSC 21 but does not state the relevance of that case authority to the present case.
30. **Causing harm to Police.** Counsel raises the following points:
- The Police Medical Examination does not show that S/C Shane Brechterfeld consented to being examined by Dr Bill. **This invalidates the medical report and there is no evidence of the alleged injury to police officer Shane.**
 - DW2- **Salisha Hiram did not see the accused punching PW3.** She did not see the accused try to bite S/C Shane’s ear and head either. She did not hear the accused swearing at the police. **Joshua was shouting as he was drunk.**
 - The police officers slammed the cage door onto the accused’s hands.
 - Joshua kicked the cage door ‘from inside and it flew ope.’
 - PW4, S/C Sam Bill – denied that the police slammed the cage door against the hands of the accused.
 - PW6, S/C Saxon said that S/C Shane could not close the cage door ‘*because the force from inside was too strong. Joshua was kicking from inside.*’ He did not see the accused’s hands at the cage door. ‘ *It was the force of the kick that was stopping the door.*’
 - The accused could not have punched S/C Shane as he ‘*did not have the power to close his fist and deliver a heavy blow to Sgt Brechterfield’s left eye, not after his hands were slammed and kicked at in the door.*’
 - **The Record of Interview is inadmissible as the accused did not have a legal representative present when he was interviewed.**
31. Ms Olsson concludes broadly that ‘*the prosecution has not discharged the obligation of beyond reasonable doubt,.. and the defendant Joshua Hiram be discharged of the 3 counts made against him.*’

DISCUSSION

32. I thank Counsels for their submissions.

33. **Count 1-Public Nuisance.** The elements of Section 248(1)(a)(b) and (2) (a) (i) or (v) of the Crimes Act 2016 are:

- the accused
- engages in conduct
- in a public place or
- within view of a public place
- the conduct amounts to a public nuisance.

Section 248(2) – conduct amounts to ‘**public nuisance**’

- If the conduct
- (a) Unreasonably interferes or
 - Is likely to unreasonably interfere
 - With the peaceful use
 - Of a public place
 - And involves behaviour that
 - i. **is disorderly**;
 - ii. Is offensive;
 - iii. Is threatening;
 - iv. Is violent;
 - v. **is drunken**; or
 - vi. disturbs public worship; or
- (b) involves challenging, encouraging or subscribing to a fight, either orally or in writing.

34. There is ample evidence that Joshua Hiram was drunk. He was offensive with his vulgarity and swearing at S/C Shane and his mother. He was disorderly when he challenged Tommy to a fight, refused comply with the instructions of the police officers and resisted arrest.

35. Was the accused in a public place or within view of a public place? The accused challenged Tommy to a fight at the Oval. The police were called. He then went onto the footpath of the main road at Aiwo. He resisted arrest and swore at the police. The footpath alongside the main road is open and is used by the public. This is a public place.

36. Did the conduct of the accused amount to a public nuisance? His offensive conduct unreasonably interfered with other people’s peaceful use of the footpath and the main road at Aiwo. According to PW2 Police Const AJ Moses, it was dusk. There were people around the area. I infer that the people could view the accused’s disorderly, drunken and offensive behaviour. This amounts to a public nuisance.

37. I remind myself of the burden of proof under Section 25 of the Crimes Act 2016. What does *'beyond reasonable doubt'* mean? In **Keeley v Brooking** 1979) 143 CLR 162; 25 ALR 45 Barwick CJ said:

'To be satisfied beyond all reasonable doubt is, for the purposes of the law, to be certain.'

38. Considering the totality of this case, I am certain that the accused committed the offence of public nuisance. **I find him guilty as charged on Count 1.**

39. Count 2- **'Obstructing Public Officer'**

The elements of Section 242(a) and (b) of the Crimes Act 2016 are:

(a) The accused

- Obstructs, hinders, intimidates or resists another person
- In the exercise of the other person's functions
- As a public official

(b) The accused believes the other person

Is a public official

40. The evidence is quite clear. The police attended to a report of 'drunk and disorderly.'

PW7 Sgt John, who was in police uniform, arrested the accused. The accused knew that PW7 and PW2 AJ Moses were police officers. The accused resisted arrest. More officers arrived on the scene. The accused continued to intimidate the police officers and resisted being placed into the police vehicle cage by kicking the door from inside the cage. The accused was subsequently overpowered, handcuffed, placed in the vehicle cage and taken to the police station. Under Section 8 of the Crimes Act 2016, a 'public official' includes a 'police officer.'

41. Considering all the evidence, I am certain that the accused committed the offence of obstructing a public officer. **I find him guilty as charged on Count 2.**

42. Count 3- **Causing harm to Police Officer.**

The elements Section 77(a)(b)(c)(d) of the Crimes Act 2016 are;

(a) the accused

- intentionally engages in conduct;

(b) the conduct causes harm to another person

without the person's consent;

(c) the person intends to cause harm to the other

because the person believes the other person is a police officer; and

(d) the other person is in fact a police officer.

43. The identity of the Accused- this is not in dispute.

44. **Did the accused punch PW3-S/C Shane Brechterfield as alleged?** PW2- AJ Moses said that he saw the accused punch PW3-S/C Shane. In his words- *'I went to open the cage. He was pushing, swearing, shouting. I was at the door. He refused to enter the door. He tried to bite S/C Shane's ear. He gave uppercut to S/C Shane's left eye.'*

PW3 – SC Shane said-“I told him to get into the cage. He resisted. He spat on me. He tried to bite my head and ear. **He threw a punch to my left eye.**’ PW7-SGT John Deidedang said that he knows the accused well. He saw the accused punch PW3 S/C Shane on the face and S/C Shane’s eye was bleeding. The accused gets aggressive when drunk.

45. For the defence, DW2- Salisha Hiram testified that the accused was angry, drunk and shouting. She did not see him punch a police officer.

46. I note the dissenting judgment of Justice Gordon on ‘tendency evidence’ in **Hughes v R** [2017] HCA 20. At [212], Gordon J said:

‘Tendency evidence provides a foundation for inferring that a person ‘has or had a tendency to act in [a particular] way or to have a particular state of mind., the existence of which tendency makes it more probable that the accused acted in a particular way or had a particular state of mind at the time or in the circumstances of the alleged offence.’

His Honor added at [213]- *‘ It follows that it is necessary to identify the tendency ‘ to act in a particular way, or to have a particular state of mind’ that is sought to be proved by the particular piece of tendency evidence, and the strength of the inference that can be drawn from that evidence.’*

In this case, the testimonies from the prosecution (PW6 & PW7) and the defence witnesses DW1 & DW2 prove that the accused has a tendency to be angry and aggressive. PW6 clearly said- *he knows the accused well. They grew up together. The accused was always aggressive- even as a child. He had a temper.*

In the absence of the accused’s testimony, I believe PW2, PW3 and PW7 that they saw the accused punch PW3 S/C Shane. My belief is supported by the evidence that the accused has the tendency to be aggressive when drunk and that he had a temper- even as a child. I find that the accused did punch PW3-S/C Shane.

47. **Did the conduct (punch) by the accused cause harm to PW3- S/C Shane?** Ms Olsson for the accused argues that the police medical report is not admissible as it does not show PW3 S/C Shane’s signature at paragraph B(5a) – ‘Consent of person to be examined.’ As such, Ms Olsson submits the there is no evidence of any injury or harm caused to the victim, PW3 S/C Shane. This submission fails as the absence of the patient’s/ PW3-S/C Shane’s signature on paragraph B(5a) does not mean that he did not give his consent to be examined by PW1- Dr Bill. It is clear from the evidence that the accused punched PW3-S/C Shane on his face. He was bleeding. He attended to RON hospital for the treatment of his wound. From the evidence of PW1 Dr Bill, PW2 AJ Moses, PW3 S/C Shane, PW7 Sgt John- the victim, S/C Shane did suffer harm. This is recorded in [D12] of the medical report, PEX1 as-‘Left Upper Eyelid Laceration.’PW2, PW3 and PW7 all testified that this harm was caused by the accused punching PW3’s face.

48. **Did the accused have the requisite ‘intention’ to punch PW3 S/C Shane?** With reference to Section 17 of the Crimes Act 2016, it is clear that the accused meant to engage in the conduct of punching PW3 S/C Shane on the face.

49. **Did PW3 S/C Shane consent to be punched by the accused?** PW3 S/C Shane was carrying out his duties as a police officer to put the accused in the police vehicle cage. In doing his duties, he was punched on the face. He suffered a ‘laceration’ to his ‘left eye upper eyelid.’ His fellow police officers saw him bleeding from his wound. The photographs, PEX2 clearly show his lacerated eyelid. PW3 S/C Shane clearly did not consent to being punched and being harmed by the accused.

50. **Did the accused intend to cause harm to PW3 S/C Shane because he believed that S/C Shane was a police officer?**

It is clear from the evidence of PW7 that the accused became aggressive after PW3 S/C Shane joined him and PW2 AJ Moses in the apprehension and the attempt to put the accused in the vehicle cage. PW2, PW3 and PW7 were on duty. They were in uniform. It is also clear that the accused believed and he knew that PW3 S/C Shane was a police officer.

51. It is evident that PW3 S/C Shane is in fact a police officer.

BURDEN OF PROOF

52. I again remind myself of the burden of proof under Section 25 of the Crimes Act 2016. What does ‘*beyond reasonable doubt*’ mean? In **Keeley v Brooking** 1979) 143 CLR 162; 25 ALR 45 Barwick CJ said:

‘To be satisfied beyond all reasonable doubt is, for the purposes of the law, to be certain.’

53. Considering all the evidence in its totality, I am certain that the accused caused harm to PW3 S/C Shane on the day in question.

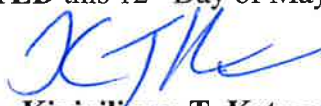
54. I find him guilty as charged on Count 3.

CONCLUSION

55. I make the following findings against the accused- Joshua Hiram:

- i. Count 1- Guilty
- ii. Count 2- Guilty
- iii. Count 3- Guilty.

DATED this 12th Day of May 2025


Kiniviliame T. Keteca
Judge

