

Magistrate Law

Mr Wilisoni Kurisqila for the Prosecution

Mr Knox Tolenoa for the Defendant

Date of Sentence: 15.8.11

Citation: [2011] NRDC 33

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SENTENCE

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**Damoon Akibwib** you have pleaded guilty to the following offence:

**Count 1**

That on 26<sup>th</sup> February 2010 at Nauru did steal a Compaq Laptop computer the property of Tricia Batsiua in contravention of s398 of the Criminal Code of Queensland as adopted.

The facts are as follows: *On or about 26<sup>th</sup> February 2010 you and another accused who with whom you work for Eigigu Holdings were returning from Topside after dumping rubbish from a dump truck. As you came past the residence of the Hon Mathew Batsiua MP in Yaren, you jumped from the truck and picked up a laptop bag lying near a car in the front of the residence. You followed the truck down the hill and took out the laptop computer which carried the tag and markings of the Hon Minister. You threw the bag away in the bushes and concealed the laptop under your shirt and returned to the truck outside the Pick n Save shop. You showed the laptop to the other accused and two other employees in the truck, saying you picked up the laptop from the residence of Mathew Batsiua. The other accused took the laptop home to try to access it but was unsuccessful. On 27<sup>th</sup> February 2010 the laptop was returned to you. You hid the laptop behind the residence of Wong Adam in Yaren. When you returned to retrieve the laptop you noticed it was missing. Police investigated the theft of the laptop and you were interviewed on 25<sup>th</sup> March 2010 when you made admissions to stealing it.*

You are 21 years old and do not have a criminal record. This stands in your favour along with your plea of guilty. Accordingly, I reduce the sentence that I would otherwise impose. Of considerable benefit to this Court has been the 'Background Report' prepared by the Chief Probation Officer.

You are 21 years old and reside in Meneng District with your other siblings in a broken down house. Both your parents are deceased and your older brother Ruston supports the family. You have a lot of friends and you are actively involved with the Church youth group which keeps you occupied throughout the week. You have given up alcohol. You have limited educational background and you have not been subject to parental supervision during your formative years.

I consider this was an opportunistic crime which you did on the spur of the moment. For these reasons I will reduce the sentence I would otherwise have imposed. However, the sentence I impose, must also take into account the need to deter others from stealing in any circumstances. Taking everything into account, the sentence to be imposed today by the

Court will give you an opportunity to make something of your life. Do not waste this opportunity.

**Damoon Akibwib** you are convicted and sentenced as follows:

You are to serve a Probation Order of 6 months duration. You are to report to the Chief Probation Officer to be advised of the conditions for the order.