

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 5 of 1975

JARED HEINRICH

Appellant

vs.'

THE REPUBLIC

Respondent

28th May 1975 at 9 a.m.

In Court

Before Mr. Justice I. R. Thompson, Chief Justice

For the Appellant: Mr. A. Iwugia

For the Respondent: Mr. J. H. Berriman

Appellant present.

ORDER (by consent): Appeal No. 6 of 1975 to be heard jointly with this appeal. Record of proceedings in both appeals to be kept on the file of this appeal.

I. R. Thompson  
CHIEF JUSTICE

JUDGMENT

The sentences of imprisonment imposed by the resident magistrate were not wrong in principle and were richly deserved by both appellants. However, both are still young and if they can be reformed by adequate control by a responsible member of the community, that is better, not only for their own future lives, but also for Nauruan society. In the case of each of them an uncle who is a man of good character and standing in the community has offered to take the appellant into his home and to exercise control over him. Each appellant has agreed to accept that control.

The appeals will be allowed not because the sentences were wrong, but in order to reform the appellants.

ORDER: The sentence in respect of each of the appellants is set aside. Each of them is ordered to enter into a recognizance in the sum of \$10 to keep the peace and to be of good behaviour and to appear before the District Court if called upon to do so

at any time within 12 months from today to receive judgment for the offence of which he was convicted in the proceedings in respect of which these appeals were taken. Appellants may be released on entering into the recognizance.

I. R. Thompson  
CHIEF JUSTICE

30th May 1975.