

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 12 of 1977

FRANK KEPPA

Appellant

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

9th January, 1978 at 2.15 p.m.

In Court

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

For the Republic: Mr. D.G. Lang

For the Appellant: Mr. G. Star

Appellant present.

Interpreter: Mr. Alec Harris, Clerk of Courts

Appeal against sentence* only.

MR. STAR: Sentence of imprisonment for 6 months. He is 23 years old. Befriended a girl who has 4 children of previous husband. Previous husband is close relative of appellant. He is trying to support the family. Living separately from respective families. Imprisonment will affect the girl and her children.

Father of appellant has forgiven him. Asks Court to deal leniently with him.

(Tenders letter from father.)

COURT: He should give evidence if you require that to go in as evidence.

MR. STAR: He does not wish to appear in Court but will do so if necessary.

COURT: If his statement is to go in as evidence he must give evidence, unless D.P.P. accepts it as correct.

MR. LANG: I have no previous knowledge of the matter. I have no reason to disbelieve Mr. Star that the father made the statement to him. I accept the letter at its face value.

COURT: If there has been a true reconciliation between the father and the appellant, in view of the provisions of s. 123 of the Criminal Procedure Act 1972 I think that this Court should hear the father personally.

ORDER: Adjourned until 13/1/78 at 9.00 a.m.

I.R. THOMPSON
Chief Justice

9/1/78

13th January, 1978 at 9.10 a.m.

In Court

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

For the Republic: Mr. D.G. Lang

For the Appellant: -

Appellant present.

Interpreter: Mr. Alec Harris, Clerk of Courts

Mr. G. Star absent; has informed Clerk that he has been injured in accident; seeks adjournment.

ORDER: Adjourned until 18/1/78 at 9 a.m.

I.R. THOMPSON
Chief Justice

13/1/78

18th January, 1978 at 9.05 a.m.

In Court

Mr. D. Gioura - for Republic.

Appellant present unrepresented.

Letter on file from Mr. Star; now in hospital.

CLERK(MR. HARRIS): Father of appellant is here.

Father of appellant, Mr. Paulem Keppa, states that he and the appellant have reconciled. The appellant has promised that he will not do it again.

COURT: Is not drink the root of the problem?

PAULEM K: Yes. He has promised not to drink much in future.

JUDGMENT:

The offences committed are all of the type in respect of which proceedings could have been terminated by the District Court if there had been a reconciliation before sentence. That being so, this Court should give weight to such a reconciliation. It is obviously most desirable that the appellant and his family should be reconciled.

Therefore, although, in view of the appellant's past conduct and the facts constituting the offence in this case, the sentences imposed by the District Court were neither wrong in principle nor harsh and severe, the circumstances have changed as the result of the reconciliation and this Court should, I consider, set aside the sentences of imprisonment.

Accordingly I do so in respect of all those offences and in place of each of those sentences impose a fine of \$10.

I.R. THOMPSON
Chief Justice

18/1/78

Appellant allowed until the 20th January, 1978
to pay fines.

I.R. THOMPSON
Chief Justice

18/1/78

*(Sentence: Count 1 - 1 month imprisonment.
Count 2 - 6 months' imprisonment.
Count 3 - 3 months' imprisonment.