

IN THE SUPREME COURT OF NAURU  
Criminal Jurisdiction  
Criminal Appeal No. 11 of 1977

EIREIBWOBWE AGIGO

Appellant

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

9th January, 1978 at 2.10 p.m.

In Court

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

For the Republic: Mr. D. Lang, D.P.P.

For the Appellant: -

Appellant present.

Interpreter: Mr. Alec Harris, Clerk of Courts

APPELLANT: Mr. Keke was to represent me. He is not available any more.

COURT: He has become a Minister.

APPELLANT: I have been trying to get another pleader but could not do so.

ORDER: Adjourned to 31/1/78 at 9.00 a.m. for hearing.

I.R. THOMPSON  
Chief Justice

13th January, 1978 at 11.15 a.m.

In Court

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

For the Republic: Mr. D.G. Lang

For the Appellant: Mr. P.H. MacSporran

Appellant present.

Interpreter: Mr. Alec Harris, Clerk of Courts

Appeal against sentence only.

MR. MACSPORRAN: The appeal is only against the order for disqualification. The facts do not indicate that a suspension was necessary, at least for a period of one year. (Refers to facts.) No doubt droning effect of aircraft flying over car must have given appellant shock. No p.c. Not incapable of controlling car. No evidence that aeroplane was in fact placed at risk.

Substantial monetary penalty is appropriate. Disqualification not necessary.

MR. LANG: Appellant knew the plane was coming in. Must have seen police and lights. Reckless driving. Deliberate course of action. Not for her to judge whether she was putting plane at risk. Disqualification appropriate.

MR. MACSPORRAN: No evidence that act was deliberate. Nothing to show that appellant actually saw the lights or that police officer drew her attention to it and to stop.

JUDGMENT:

If the closing of the road at the ends of the aerodrome when planes are landing and taking off is not strictly enforced, there is likely to be a serious accident. The authorities have erected lights to warn road-users when to stop and the police actually man the approaches and place blocks on the road. It is reckless to ignore such warnings as the appellant obviously did. In view of her previous good record a prison sentence was obviously not appropriate

but a deterrent was required. The fine is not a sufficient deterrent. I do not subscribe to the view that an order of disqualification is not meant to be used as a deterrent. To many well-to-do people it is the only deterrent short of imprisonment. I regard the order made by the magistrate, therefore, as correct in principle and not harsh or severe. The appeal is dismissed.

I.R. THOMPSON  
Chief Justice

13/1/78

(Sentence: \$50 fine.)