

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 1 of 1975

THE REPUBLIC

vs.

DAVID SILVESTER SIMON

20th January 1975 at 9 a.m.

In Court

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

For the Republic: Mr. J. H. Berriman, Senior Legal Officer

For the Accused: Mr. G. R. Clark and Mr. B. Dowiyogo

Accused present

Interpreter:

SENTENCE

The accused has been convicted on his own plea of dangerous driving. That act of dangerous driving resulted in the death of a passenger in his car but the death of that person is not an element of the offence of which he has been convicted and should not be taken into account in determining sentence, except as showing the high degree of danger created by the manner in which the accused drove. While the element which rendered the driving dangerous was the high speed, it was in particular the fact that the car was driven at that high speed at a place where there is a much-used road joining the main road and the junction is partially obscured by a building. This Court has heard that driving dangerously is out of character so far as the accused is concerned; but it was a bad act of dangerous driving.

I take into account the accused's excellent character, his frankness in assisting the police inquiries into the offence and with this Court and his remorse. This is not a case where a custodial sentence is required or would serve any useful purpose. The accused was quite seriously injured and probably learned his lesson. However, in order to show the seriousness of such offences and the need to protect the public, I sentence him to pay a fine of \$50 or to serve one month's imprisonment with hard labour in default; and I suspend his driving licence for three months, declare him to be disqualified for obtaining

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a driving licence during that period, and order that the particulars of the conviction be endorsed on his licence by the Registrar.

I. R. Thompson  
CHIEF JUSTICE

20th January 1975.