

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 1 of 1976

BRENDAS EROL DE ROTIOUDA

Appellant

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

11th February, 1976 at 9.20 a.m.

In Court

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

For the Appellant: Mr. A. Iwugia

For the Respondent: Mr. L.D. Keke

Appellant present.

Appeal against severity of sentence. \*

IWUGIA: Appellant was not represented. Went to hospital for treatment, for bandages to be changed. One sister came to him while another sister was changing the dressing. She told him jokingly not to come back again. He took her seriously. He was in some pain. Went to office of the sister and hit the louveres, saying "Is this what you say to your patients?" He was very annoyed with her.

Pleaded guilty. Accepts that he did the act but was carried away by anger resulting from the teasing. Did not assault the sister.

I was present. I told him he had done wrong and acted stupidly and that he should report to the police station. He came with me immediately and did so.

Damage minor. Sister partly to blame.

Appellant is willing to apologise to sister and hospital authorities and to pay for the louveres. Apologises for his stupid offence. It will not happen again.

Court does not call on Mr. Keke.

JUDGMENT:

The appellant acted in anger. He was convicted of a similar offence last May and fined. It is clear that a deterrent sentence is required to bring him to his senses and make him realise that he must control his temper. The short sentence of imprisonment imposed by the District Court is proper for that purpose. It is neither harsh and excessive nor wrong in principle.

The appeal is dismissed.

I.R. Thompson  
Chief Justice

11th February, 1976.

\* (Sentence: 4 weeks' imprisonment with hard labour for damaging property.)