

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 16 of 1976

THE REPUBLIC

vs.

HEMMING DOWABOBO

22nd October, 1976 at 11.35 a.m.

In Court

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

For the Republic: S/I D. Gioura

For the Appellant: Mr. R. Degoregore

Appellant present.

Appeal against sentence\* only.

DEGOREGORE: It is not proper to pass more severe sentence because accused person commits perjury in course of trial or has made allegations against police. Confession of guilt, however, should tell in favour of accused.

COURT TO GIOURA: It is not clear from the record whether the appellant had no licence because he was disqualified or because he simply had not bothered to obtain one.

GIOURA: His licence was suspended after conviction on 5th February, 1976 for driving under the influence of drink. His licence was suspended for 12 months.

DEGOREGORE: The appellant is not aware of that.

COURT: Very well. The record must be produced; evidence given.

GIOURA: List of p.c. was filed and admitted. There are two lists, one of traffic offences, the other of other offences.

COURT: Very well, I note that the p.c. was admitted in the District Court.

JUDGMENT: A person who drives a motor vehicle on the road while disqualified must expect a sentence of imprisonment. The sentence of 3 months' imprisonment was not excessive. The sentence of fines for other offences are also not excessive.

The appeal is dismissed.

22/10/76

I.R. THOMPSON  
Chief Justice

\*(Sentence: Count 1 - \$60 - I/D 60 days' imprisonment.  
Count 2 - 3 months' hard labour.  
Count 3 - \$25 - I/D 25 days' imprisonment.)