

IN THE SUPREME COURT OF NAURU  
Criminal Jurisdiction  
Criminal Appeal No. 25 of 1977

DEBAN SCOFFY

Appellant

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

10th January, 1978 at 2.15 p.m.

In Court

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

For the Appellant: -

For the Respondent: Mr. D.G. Lang

Appellant present.

Interpreter: Mr. Alec Harris, Clerk of Courts

Adjourned until 13/1/78 at 9 a.m.

I.R. THOMPSON  
Chief Justice

13th January, 1978 at 10.35 a.m.

For Appellant: Mr. P.H. MacSpocran

For Respondent: Mr. D.G. Lang

Appellant present.

Appeal against sentence only.

MR. MACSPORCRAAN: This is a difficult appeal. The appellant was driving a motorcycle. He has admitted that he was intoxicated. He states that he was not incapable of handling the motorcycle.

He supports 3 children on a wage of \$147 a fortnight.  
Works at N.C.S. Bakery.

Only previous convictions for similar offence were  
in August 1970, and in 1965.

Had a reputation in the past as a heavy drinker. He  
is now in regular employment and has kept out of trouble  
with drink. I point out that a motorcycle may be less dan-  
gerous than a car. A drunken driver is more likely to injure  
himself than other.

COURT: I do not need to hear the respondent.

JUDGMENT:

For the reasons I have stated in Criminal Appeal  
No. 22 of 1977, offences of drunken driving must be regarded  
by the Court as most serious. I take into account all that  
Mr. MacSparran has said on the appellant's behalf. I do not  
wish to set back his self-rehabilitation but it is clear that  
it is by no means complete or this offence would not have  
been committed. A prison sentence is more likely to complete  
the rehabilitation and to deter him from back-sliding than to  
do the opposite. As for his work, there is no shortage of  
work in Naurn for those willing to work conscientiously and  
I am sure that the appellant will be able to obtain his present  
job or another on his release from prison, if he is willing  
to work conscientiously.

Accordingly, the sentence being neither wrong in  
principle nor harsh and excessive, the appeal is dismissed.

V.R. THOMPSON  
Chief Justice

13/1/78

\*(Sentence: 6 months' hard labour.)