

REPUBLIC OF NAURU  
SUPREME COURT  
CRIMINAL APPEAL NO. 10 OF 1981

DRIP NENEIA

v.

DIRECTOR OF PUBLIC PROSECUTIONS

JUDGMENT

The appellant has one prior conviction for a similar offence, i.e. driving under the influence of intoxicating liquor; he was fined \$150. That was in 1979. Although I regard a sentence of imprisonment as almost mandatory for offences of this nature, because of their prevalence in Nauru and the associated heavy road toll, nevertheless I think that a sentence of more than three months' imprisonment should be reserved for really bad cases or for offenders who have a very bad record of prior convictions for similar offences. In taking that view I have regard for the fact that <sup>the</sup> maximum sentence which can be imposed for the offence is six months' imprisonment.

That being so, the appeal is allowed; the sentence is set aside. As this is the appellant's second conviction for such an offence within only just over two years, I consider that three month's imprisonment is the appropriate sentence and I substitute that sentence for the sentence set aside.

*I. R. Thompson*

CHIEF JUSTICE

12th August, 1981