

IN THE SUPREME COURT OF NAURU

Criminal Case No. 5/2009

THE REPUBLIC

VS

(1) JACKO GADEANANG

Date of Hearing 27/28 March, 2009.

Mr. Paul Bannister for the Prosecution
Mr. Rueben Kun for the Accused

SENTENCING REMARKS

Jacko Gadeanang:

You have pleaded guilty to one count of attempted rape, 3 counts of indecent treatment of a girl under 14 and 1 count of deprivation of liberty.

All offences were committed against a little girl when she was between the years of 5-7. The first incident of indecent treatment was sometime between 5th January 2007 and 01 April, 2008. Not surprisingly the child can't remember exactly when it was. The other offences were all on 13th December, 2008 when you were caught.

You are a man of 21, unmarried. Mr. Kun has told me you have high intelligence even though you can't read or write. You live at home with your parents. I do not accept Mr. Kun's submission that your lack of education or family circumstances reduce the seriousness of what you did, let alone excuse your actions.

On the first occasion you took the little girl for a ride on your motorbike – she trusted you because you lived next door – to an empty house. You took her inside and committed various indecencies.

You threatened her if she told anyone.

The second time you picked her up in your arms when she was playing outside and took her to your room. You threatened her. You undressed her: undressed yourself. You committed indecencies as you had the first time but you then went further.

In her statement to the police she said,".....He told me to lick his penis but I did not want to. He said,'I will punch you in the face' so I licked it and then I said, YUK. He then said ' open your legs' and licked me." You bit her on her private parts. You started to penetrate her and it hurt. Then came a knock on the door."

I have read and take into account the letters Mr. Kun has given to the court supporting you and asking that you be treated leniently.

These are your first convictions and you have pleaded guilty . These things mean lesser sentences than you would get if you have denied what you did.

Nevertheless you must go to gaol for some time.

On the first count of Indecent treatment you will be imprisoned for 12 months: the sentence to date from 13th December, 2008 since when you have been in custody.

On the other two counts of indecent treatment you will be imprisoned for 2 years: Those sentences will be served concurrently but are to be cumulative on the 1st sentence of 12 months.

That means a total period of imprisonment of 3½ years from last 13th December.

**HON.ROBIN MILLHOUSE QC
CHIEF JUSTICE**