



IN THE SUPREME COURT

NOT FOR
REPORTING:
Juveniles

REPUBLIC OF NAURU

Criminal Cases Nos. 35 and 36 of 2010

REPUBLIC OF NAURU

v

GARY NENEIYA,
NEVID BILL and
DEBAGIN KAM

JUDGE: Eames, C.J.
DATE OF HEARING: 22 March 2011
DATE OF SENTENCE: 22 March 2011
CASE MAY BE CITED AS: R v GN, NB and DK
MEDIUM NEUTRAL CITATION: [2011] NRSC 28

Breach of Community Service Orders - Two Juveniles, one adult youth - In exercise of Court's discretion, charges dismissed.

APPEARANCES:

For the Plaintiff

W Kurisaqila DPP

For the Defendants

Knox Tolenoa (Pleader)

CHIEF JUSTICE:

1. The government has just passed a new law which allows voluntary or probation workers to work alongside Mrs. Cook so that pretty shortly there's people appointed who'll be able to play an active role in making sure that others like yourselves keep the terms of any order, I'm not sure what extent what I'm saying would be understood so could it be interpreted please.
2. I'm disappointed with the fact that all three of you have broken the orders, the orders that were made by the court only a week ago. I think I made it pretty clear then, that if you broke the orders that is if you didn't do what you were told by Mrs. Cook, that you would be in breach of the orders and you'd be facing prison. I wasn't joking when I said that to you because the courts regard it as a real insult if they do someone a bit of a favour to go easy on them and if they then just ignore you.
3. In the case of juveniles the courts are pretty lenient. They give people a chance but you two fellows have just about used up all of your chances but you're going to get one more and Debagin Kam you're not a juvenile but in your case I think the breach that has occurred here was less serious and you have tried to do the right thing.
4. So I think all three of you should be given one more chance to try and get it right this time. What I want you to really listen to and understand is this. Mrs Cook is going to have some other people who will assist her in her probation work and in this Community Service Order work. So maybe that there will be other people who'll be assigned to you to keep an eye on you and give you directions if you disobey those people. It's exactly the same as if you disobeyed Mrs Cook.
5. If you have a problem that means that you can't do the service which you're supposed to do you have to talk to her. You don't just decide for yourself when you will do what you're told to do and when you won't.
6. Do you understand what it is I am saying? Do you understand that you've got to do the things that you've told by the probation officers or the other workers who work with Mrs. Cook? I'm prepared to accept what you've told the court and what I've heard from your parents through Mr Tolenoa.
7. So I'm going to give you one more chance. Without taking your plea from you on these charges of breach of the orders, I'm going to dismiss the charges so you'll be free to go but you'll still be on the same orders that I've made last week. Understand this, it is very unusual to do this and I won't do it again.
8. Very well, the orders of the court will be that, as to each of the counts of breach of the Community Service Order, without taking plea, the Court dismisses each of those counts.
9. You each are now free to go but I've asked you to meet Mrs Cook before you leave the court today to receive further instructions as what you have to do over the next week or so. So when you leave the court today you'll have to speak with Mrs Cook,

is that understood?

Accused (s): Yes

Court: Alright you are free to go