

Magistrate Law

Mr Wilisoni Kurisqila for the Prosecution

Mr Knox Tolenoa for the Defendant

Date of Sentence: 15.8.11

Citation: [2011] NRDC 32

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**REMARKS ON SENTENCE**

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Nathan Solomon you have pleaded guilty to the following offence:

**Count 1**

That on 25<sup>th</sup> November 2010 at Nauru did wilfully obstruct a police officer namely Constable Fernando Dabuae whilst acting in the execution of his duty in contravention of section 340 of the Criminal Code Act Queensland 1899.

The maximum sentence for serious assault is 3 years imprisonment.

**Count 2**

That on 25<sup>th</sup> November 2010 at Nauru did use obscene language within hearing a person namely Commissioner Cedric Netto, in a public place in contravention of section 5 of the Police Offences Ordinance.

The maximum sentence for serious assault is one month imprisonment or \$10 fine.

The facts are as follows: *On 18<sup>th</sup> December 2010, Constable Paul Harris reported a red station wagon being driven erratically in Yaren with people drinking inside it. The driver was Namo Daniel and you were in the front passenger seat. Officers Fernando Dabuae and Bryvennia Dageago pursued the vehicle and stopped it at Boe District. Namo Daniel moved from the drivers seat to the back seat and had to be physically removed from the vehicle. Constable Fernando tried to handcuff Namo Daniel but he struggled free and ran off. You grabbed Officer Fernando's hand preventing him from chasing after Namo.*

*Commissioner Netto arrived on the scene and directed you to stay back to allow police to carry out their duty. You turned on the Commissioner aggressively and swore at him saying "Fuck you". You refused to release Officer Fernando and Namo Daniel escaped. You got into the vehicle and drove off. You were seen some time later driving the vehicle in Denig. You were stopped and arrested.*

Police have an important job to carry out. Good citizens should assist the police and not hinder their work for law enforcement. Your actions prevented the arrest of the driver and enabled his escape. Your actions impeded the police and prevented them from carrying out their work. Whilst I accept the offence for which police originally stopped Namo Daniel was not the most serious, your actions to prevent the police from carrying out their work is serious and must be treated as such.

I have considered the submissions from your counsel and from the Director of Public Prosecutions. Taking account all of the circumstances, you are sentenced by the court as follows:

Count 1 – A 6 month good behaviour bond.

Count 2 – A fine of \$25. You have 28 days to pay.