

REPUBLIC OF NAURU
SUPREME COURT
CRIMINAL APPEAL NO. 9 OF 1981

IVAN ARUBE
v.
DIRECTOR OF PUBLIC PROSECUTIONS

JUDGMENT

The sentence of two months' imprisonment for tearing up the time sheet is, I consider, excessive. It was an act of disobedience to authority rather than wanton damage to property. The property's monetary value was of minimal significance. However, the damage to the time clock is much more serious. It was caused in a situation where the appellant lost his temper because he was rebuked for late attendance. Mrs Billeam has submitted that that mitigates the offence. In my view, if it has any relevance to sentence, it aggravates the offence. The appellant was employed by the Republic, i.e. paid by his fellow Nauruans, to work prescribed hours; the fact that he was rebuked for being late gave him no excuse for behaving as he did. The sentence imposed for that offence was neither harsh nor excessive, nor was it wrong in principle.

The appeal on the first count is allowed; the sentence of imprisonment is set aside and a sentence of a fine of \$5 is imposed in its place. The appeal on the second count is dismissed.

CHIEF JUSTICE

1/5/1981