

(Criminal Jurisdiction)

The Republic

Vs.

Mycho Olsson

Mr Henry Kausimae for the Republic

Mr. Clodumar for accused

Date of hearing-5<sup>th</sup> August 2009

Date of Judgment -7<sup>th</sup> August 2009

JUDGMENT
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Mycho Olsson has been charged with Robbery, Entering a dwelling house with intent to commit a crime and two counts of common assault. As the particulars show the counts relate to 3 separate incidents on the same day, 28<sup>th</sup> April, 2009.

Particulars of Robbery

That on the twenty eighth day of April 2009 at Nauru, MYCHO OLSSON did rob CHENG JI MIU of property to wit Seventeen dollars cash Australian currency.

Particulars of Entering a dwelling house with intent

That on the twenty eighth day of April 2009 at Nauru MYCHO OLSSON did enter the dwelling-house of MERAPUIKI SCOTTY with the intent to commit a crime therein.

Particulars of Common Assault (1)

That on the twenty eighth day of April 2009 at Nauru MYCHO OLSSON did enter the dwelling-house of MERAPUIKI SCOTTY with the intent to commit a crime therein.

Particulars of Common Assault (2)

That on the twenty eighth day of April 2009 at Nauru MYCHO OLSSON did unlawfully assault a person namely KAUONGO TOM.

The count of Robbery relates to an incident in a store at Denig Location.

Chen Jin Yi gave evidence that she was in the store:-

**"Mycho came and another guy outside. He request me to give him money. Loud voice but nervous. \$20.00 but I only had \$17.00 which I gave him: left on a motorbike. He had been a regular customer: I felt I was being robbed : upset at his behavior until now. I took money from drawer: gave it to Mycho."**

The evidence of Chen Jin Yi was corroborated by that of Tina Cain (except that she mentioned the accused asked for the cigarettes as well as money):-

**"Mycho came and wanted Chinese woman to give him cigarettes. Mycho punched him in face: he went. She gave Mycho cigarettes and some money. I heard him ask for cigarettes and money."**

Mycho Olsson said in his evidence said that he knew the husband of Cheng Jin Yi who had twice given him money when he asked for it. That was no excuse for demanding money from Chen Jin Yi and going off with \$17.00.

Beyond reasonable doubt the accused is guilty of Robbery.

The second and third counts relate to another incident of which Merapuiki Scotty gave evidence:-

**"He came to the house: His sister dropped him off. He was screaming and shouting and swearing at Dodea. In the lounge. He wanted to take the motorbike but I told him not to as a tyre was flat. He said, 'It doesn't matter: the motorbike doesn't belong to you. "The motorbike is for my brother". We argued. He picked up a hammer: came towards me and I sitting. I stood up, we struggled. Tried to bash me with the hammer: hit me on the nose, I had a lump on left wrist. Julie came and stopped him."**

This is evidence of assault. The accused in his evidence admitted it by saying, "All she says is correct."

Beyond reasonable doubt the accused is guilty of assaulting Merapuiki Scotty.