

**In the Supreme Court of Nauru**

Criminal Case No. 4/2009

**Between: THE REPUBLIC OF NAURU Complainant**

**VS**

**And (1) LUGANO KEPAE Accused**  
**(2) BETHRAM BAM**

**Dates of Hearing 28<sup>th</sup> March and 30 March 2009.**

**Paul Bannister for Prosecution  
Miniva Depaune for defendants**

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**SENTENCING REMARKS**

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Bethram Bam and Lugano Kepae :

You have pleaded guilty to robbery. That is an offence which has a maximum penalty of 14 years imprisonment.

It was about 3 o'clock in the afternoon of last 23rd September. You together watched the store run by a 38 year old Chinese lady. She is slight framed and was at the time 8 months pregnant. You went into the shop and she gave you, Bam, a free smoke. You both walked across the road and waited until there was no one else about. You went back to the store. You, Kepae, grabbed the lady round the throat and pushed her: you punched her in the head. You, Bam, took \$12.00 out of the drawer behind the counter. You both ran away.

It doesn't matter what each of you did: you are both equally guilty of the robbery.

When the lady went to the hospital, she had bruising over her right eye and slight swelling on her left jaw.

You, Bam, are 17, single and have no children. You, Kepae, are 19, single with no children.

You are both powerfully built young men. To act as you did towards a small woman of 38 and 8 months pregnant was cowardly as well

as being criminal. You deserve to be severely punished.

I take into account the submissions Ms. Depaune has made in your favour especially that the effects of alcohol caused you to act like this but that is certainly not an excuse.

I also take into account that this is a first conviction for each of you and that you have pleaded guilty. These things mean a shorter term of imprisonment than if you had denied what you did.

You are each to be imprisoned for 3 years to date from Saturday 28<sup>th</sup> March when you went into custody.

*Robin Millhouse*

**ROBIN MILLHOUSE QC**

**CHIEF JUSTICE**

