

In the Supreme  
Court of Nauru.

CRIMINAL CASE NO. 3/2009

THE REPUBLIC

VS.

RAYMOND GADABU

Mr. Wilisoni Kurisaqila for the prosecution  
Mr. Pres Nimes for the defendant

Dated : 25<sup>th</sup> March, 2010.

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REMARKS ON SENTENCE

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Raymond Gadabu: On 02 April, 2009, I found you guilty of arson. You have deliberately burnt down a house owned by you and your family and which was occupied by your sister, Peta.

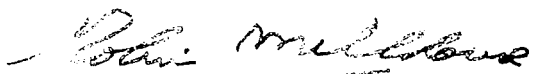
Since 02 April 2009, you have been in custody awaiting sentence. The delay has been caused by Mr. Nimes' application that you be examined by a psychiatrist given your strange behaviour in the few days before the fire. No psychiatrist has come to Nauru but Dr. Kiki Thoma, Medical Officer responsible for Mental Health – Nauru reported by letter dated 25<sup>th</sup> November 2009 that you are 'absolutely sane'. You have agreed to accept Dr. Thoma that you did it on 'the spur of moment's anger'. Yet from the evidence at the trial you had been acting strangely for several days and must have intended for some time to burn the house down. It wasn't on the 'spur of the moment'.

Arson is regarded as a most serious crime. The maximum penalty is life imprisonment.

You have not explained why you did it but it seems you were on bad terms with your sister Peta. Perhaps it was to punish her in some way. Dr. Thoma reports that your family had been visiting you and Mr. Nimes says the family have forgiven you. I take into account when sentencing the letter dated Friday 06 August, 2009 which members of wrote to me.

This is your first conviction for an offence : that in your favour in fixing penalty.

You are sentenced the eighteen (18) months imprisonment to date from 02 April, 2009.



Hon. Robin Millhouse QC  
CHIEF JUSTICE