

3. The grounds for the application are set out in the affidavits of the accused's surety, his mother, Mary Marika Kaierua and Constable Mordecai Tsitsi. In her affidavit, Mary Marika Kaierua intends to withdraw as the surety for the accused. This is based on the accused's unstable and propensity for violence towards her and other family members. One such episode occurred on 17th February 26 when the accused cursed his sister when he heard that she was going to church. He told his sister that she will go to hell and she will be sexually assaulted by the devil.
4. On the same day, the accused called himself the devil and cut his chest with a knife. On seeing his son bleeding, Mary Kaierua left her house and went to her eldest child's home. She called the police to take the accused away.
5. The accused was taken to hospital and remains admitted.
6. Constable Mordecai Tsitsi deposed that the accused was admitted to the RON Hospital Mental Unit under the care of Dr Victor Wasson.

RESPONSE FOR THE ACCUSED

7. On 24 Feb 26, a Jacob Scotty, the Uncle of the accused deposed that he is self-employed and operates his small business. (The nature of the business is not disclosed.) He is aware that the accused's mother is no longer willing to be the surety.
8. He is willing to be the surety and for the accused to reside with him at his home at Anetan District. He will ensure that the accused complies with the bail conditions.
9. The deponent is currently facing a criminal charge in the District Court and awaiting the judgment of the court.
10. The deponent opposes the application to revoke bail by the prosecution.

ADDITIONAL AFFIDAVIT FOR THE PROSECUTION

11. On 04th March 26, Constable Mordecai Tsitsi deposes that he is the IO for this case and responds to the affidavit of Jacob Scotty as follows:
 - i. Jacob Scotty is married to a Chinese national and he has 7 children from a previous marriage.
 - ii. It is not clear how many children Jacob Scotty is supporting and how many people live with him at his home.
 - iii. Jacob Scotty has not disclosed the type of business he is running.
 - iv. Jacob Scotty stands charged for 'Escape from Lawful Custody, 'contrary to Section 229 of the Crimes Act 2016 and it's at the 'No case to answer' stage.
 - v. Jacob Scotty was convicted for obstructing a customs officer and several drugs offences where he was sentenced to a total of \$6000 fine and to 2 years imprisonment, suspended for 3 years.

- vi. That Jacob Scotty is not a 'an appropriate person' to be surety for the accused in this case.

FORENSIC MENTAL HEALTH ASSESSMENT REPORT (FMHAR)

12. On 03rd March, a FMHAR was filed by Dr Victor Wasson where he concludes that:
 - a. In my professional opinion, the Defendant is at present, fit to plead in court and participate in court proceedings;
 - b. In my professional opinion, the Defendant did NOT act under the influence of medical/ mental illness, at the time of the alleged offence.
 - c. He has received psychoeducation, Substance Abuse and Stress management counselling and will be discharged from our care (Mental Health Unit- Nauru Medical Centre.)

CONSIDERATION

13. In an extempore Ruling, I granted the application of the State that the accused be remanded forthwith. I now give the reasons for granting the application. Section 18 of the Bail Act 2018 provides:

'Refusal of Bail'

- (1) A person making submissions to a court against the presumption in favour of bail shall address the:
 - (a) Likelihood of the accused person surrendering to custody and not appearing in court;
 - (b) Interests of the accused person; and
 - (c) Public interest and the protection of the community.
 - (2) Where a court decides to refuse bail, it shall give a written ruling on each of the criteria in subsection (1), dealing with the submission made on each one.
 - (3) Where a police officer refuses to grant bail to an accused person, Section 12 applies.
 - (4) Where a court refuses bail, the court shall remand the accused person in custody to re-appear before that or another court for trial or review of bail within 14 days.
14. Section 19 of the same Act provides for the relevant circumstances that the court shall consider in refusing bail.
 15. From the materials before me, I consider the following factors as relevant in revoking the accused's bail:
 - a. The likelihood of surrender to custody:
 - i. The accused is not welcome at his mother's place. His proposed surety, Jacob Scotty is unemployed, a convicted felon and awaiting the outcome of another criminal case. Jacob Scotty's assurances that he'll ensure that the accused observes his bail conditions are pretty flimsy.
 - ii. The background of the accused and his proposed surety and their previous criminal history are not reassuring.
 - b. The interests of the accused person:

- i. The accused's propensity for violence against his own family members and the seriousness of the offence persuade me to revoke his bail.
- ii. The accused's mental state can be closely monitored by the medical authorities whilst he is kept in custody.
- c. The public interest and protection of the community:
 - i. As stated in the accused's mother's affidavit, the accused's unstable mental issues and propensity for violence against his own family members persuades me that the community need to be protected from such a person.

CONCLUSION

16. Considering all the above, I make the following orders:

- i. The application for review of the accused's bail is allowed.
- ii. The accused is remanded in custody and to be produced before me on 18th March 2026 to fix a hearing date.
- iii. The accused is at liberty to apply for the review of these orders.

Dated this 04th Day of March 2026.


Kiniviliame T. Keteca
Judge

