



**IN THE SUPREME COURT OF NAURU
AT YAREN
[CRIMINAL JURISDICTION]**

Criminal Case No. 09 of 2022

BETWEEN: THE REPUBLIC

SHALICO AGEGE

PROSECUTION

ACCUSED

BEFORE: Keteca J

Date of Hearing: 22nd December 2025

Date of Sentence: 06th March 2026

Catchwords: Obstructing a Public Official -Contrary to Section 242 of the *Crimes Act 2016 (the Act)*; Dangerous Driving contrary to Section 67(1)(a)(b)(c)(d) and (ii) of the *Motor Traffic Act 2014 (MTA)*.

Appearances:

Counsel for the Prosecution: **M. Suifa'asia**

Counsel for the Accused: **M. Degei**

JUDGMENT

BACKGROUND

1. The accused was found guilty of the following offences:
 - i. Count 1: Obstructing a Public Official -Contrary to Section 242 of the *Crimes Act 2016 (the Act)*
 - ii. Count 2: Dangerous Driving contrary to Section 67(1)(a)(b)(c) and (2) of the *Motor Traffic Act 2014 (MTA)*

PRE-SENTENCE CUSTODY

2. The accused was in remand for 2 months and 5 days.
3. The accused is 25 years old and has no previous convictions.

MAXIMUM PENALTIES

4. These are:
 - i. Obstructing a Public Official -Contrary to Section 242 of the Act- 2 years imprisonment.
 - ii. Dangerous Driving – Contrary to Section 67 of the MTA- suspension of drivers licence for a period of 1 year plus any of the following:
 - a. A fine of \$1000;
 - b. Imprisonment for 6 months; or
 - c. Both a fine or imprisonment.

SUBMISSIONS BY THE PROSECUTIONS

5. Counsel submits that the aggravating factors are:
 - i. The accused was drinking alcohol on the night of the incident. He drove the vehicle onto a post endangering the lives of residents in the vicinity including the female passenger in his vehicle.
 - ii. The accused obstructed the police in the execution of their duties.
6. The only mitigation factor is that the accused has no previous convictions.

SENTENCING PRINCIPLES

7. Counsel refers to the following provisions of the Act:
 - i. Section 277- Kinds of Sentences;
 - ii. Section 278- Purposes of Sentencing;
 - iii. Section 279- General Sentencing Considerations;
 - iv. Section 280- Imprisonment
8. Counsel refers to the following cases:
 - i. *R v Joshua Hiram [2025] NRSC* – the accused who resisted arrest was found guilty of the following offences:
 - a. Count 1- Public Nuisance- without recording a conviction, placed on probation for 3 years;
 - b. Count 2- Obstructing a Public Official- without recording a conviction, placed on probation for 3 years, concurrent to Count 1;
 - c. Count 3- Causing Harm to police officer- convicted and sentenced to 3 years imprisonment, suspended for 2 years.

- ii. *R v Lovani Jeremiah [2024] NRSC*- the accused was found guilty of Obstructing Public Official Contrary to Section 242 of the Act. The 22-year-old accused was drinking with others at a public place. For non- compliance with the police instructions, and obstructing a police officer, she was arrested and charged. Without recording a conviction, she was fined \$500.
- iii. *Jonathan Gadeanang [2023] NRSC Criminal Appeal 1 of 2021*- the accused was convicted on one Count of Theft of a pig -Contrary to Section 154 of the Act; one Count of Obstructing a public official -Contrary to Section 242 of the Act and one Count of Escaping from Lawful custody- Contrary to Section 229 of the Act. He was sentenced as follows:
 - a. Count 1- 20 months imprisonment;
 - b. Count 2- 14 months imprisonment concurrent to Count 1; and
 - c. Count 3- 14 months imprisonment concurrent to the above.
- iv. The accused appealed his conviction and sentence. The sentence for Count 2 was reduced to 5 months imprisonment.
- v. *Kepae v R [2023] NRSC Crim Appeal 2 of 2020* the accused was found guilty of Obstructing a public officer- Contrary to Section 242 of the Act in that when he was directed by a police officer, he did not stop at the junction of Boe District to allow the president to cycle around the airstrip. He was sentenced to 7 months imprisonment. For Escaping from lawful custody, he was sentenced to 12 months imprisonment. The sentences were reduced to 6 months and 9 months respectively.

DANGEROUS DRIVING

- i. *R v Rosen Ribaw [2017] NRSC 16*- the 19-year-old offender pleaded guilty to:
 - a. Dangerous driving- Contrary to Section 67 of the MTA;
 - b. Manslaughter- Contrary to Sections 303 & 310 of the Criminal Code 1899; and
 - c. Grievous Bodily harm- Contrary to Section 320 of the Criminal Code 1899.
- ii. The accused was driving dangerously whilst drinking with friends. The truck tumbled. Passengers in the tray of the truck were thrown out. Two died. Another two were badly injured. He did not have a driver's licence. For
 - Count 1- Dangerous driving- 6 months imprisonment, drivers licence suspended for 12 months. (Did not hold a driver's licence)
 - Count 2- Manslaughter – 8 years imprisonment, concurrent to Count 1;
 - Count 3- Manslaughter – 8 years imprisonment, Concurrent with Counts 1 & 2;
 - Count 4- Grievous bodily harm- 3 years imprisonment; 2 years concurrent to Counts 1, 2, and 3, and 1-year consecutive to Counts 1,2, and 3.
 - Count 5- Grievous bodily harm- 3 years imprisonment, concurrent to Counts 1, 2, 3, and 4.

9. Counsel submits that offences against police officers are prevalent. It 'depicts a belittling of public authority.'

SUBMISSIONS FOR THE ACCUSED

MITIGATION

10. The accused works as an Air- Traffic Controller at the Nauru airport. He is engaged. His family of six depend on him for their livelihood. He is a first-time offender. He spent 65 days in remand before being bailed. He is remorseful.
11. With refence to the *R v Hiram* case, on Obstructing a Public Officer, Counsel submits that I impose a fine without recording a conviction as he has been adequately punished having spent 65 days in custody.
12. On Count 2, Dangerous Driving, Counsel submits that not recording a conviction and a fine will also be appropriate as no one was injured or died.

CONSIDERATION

13. From the case law submitted by Counsels, the tariff for Obstructing public official under Section 242 of the Act, range from 'not recording a conviction plus a fine of \$500 to 5 months imprisonment. I consider the purposes of sentencing in Section 278 again. These are:
- a) to ensure that the offender is adequately punished for the offence;
 - b) to prevent crime by deterring the offender and other people from committing similar offences;
 - c) to protect the community from the offender;
 - d) to promote the rehabilitation of the offender;
 - e) to make the offender accountable for the offender's actions;
 - f) to denounce the conduct of the offender; and
 - g) to recognise the harm done to the victim and the community.
14. The accused was originally charged for Causing harm to a police officer under Section 77 of the Act. This carries a maximum sentence of life imprisonment (if aggravating circumstances apply) and a minimum of 6 years 6 months. He was found guilty of the lesser offence of Obstructing a Public Official under Section 242 of the Act as there was no evidence that the police officer suffered any harm whilst arresting the accused. There was evidence that the accused resisted arrest. He threw a punch at a police officer. The officer blocked the punch. That is why the police officer did not suffer any harm and the elements of Section 77 were not satisfied and the accused found guilty of a lesser offence.

15. The circumstances of the offending are still serious. The accused had no respect for the police. Although the accused was clearly intoxicated, that does not exonerate him from censure. Considering the purposes of sentencing- deterrence of the accused and like-minded would-be offenders, to make the accused accountable for his actions, to denounce the conduct of the accused, to ensure that the accused is adequately punished, and the prevalence of offences against the police, I find that a conviction is warranted here. The accused is convicted on Count 1.

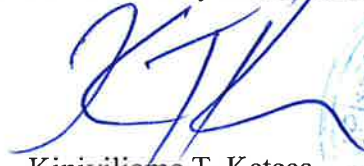
16. For Count 2, Dangerous driving under Section 67 of the MTA, the tariff is 6 months imprisonment and suspension of the driver's licence. I note that the penalties for this offence follow a conviction. The accused is also convicted on this Count.

CONCLUSION

17. The accused is sentenced as follows:

- i. Count 1- Obstructing a Public Official- a conviction is recorded with a fine of \$500;
- ii. Count 2- Dangerous Driving- a conviction is recorded; driving licence is suspended for 12 months and a fine of \$500.
- iii. The fine totalling \$1000 is to be paid within 21 days.

DATED this 06th Day of March 2026



Kiniviliame T. Keteca

Judge

