



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

Criminal Case No. 01 of 2025

BETWEEN: THE REPUBLIC

PROSECUTION

CASHMAEL SCOTTY

ACCUSED

BEFORE: Keteca J

Hearing of No Case to Answer: 13th March 2026

Date of Ruling: 26th March 2026

Catchwords: Application for No Case to Answer, Section 201 Criminal Procedure Act 1972.

Appearances:

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

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

RULING

BACKGROUND

1. The accused is charged with one Count of Intentionally Causing Harm contrary to Section 71(a)(b)(c) and (i) of the Crimes Act 2016 (**the Act**). At the close of the case for the prosecution, Counsel made an application for no case to answer under Section 201 of the Criminal Procedure Act 1972.

THE APPLICATION

2. Counsel requested 7 days to file the relevant submissions. No submissions were filed. The oral application was based on two grounds:
 - i. The harm caused to the complainant was not serious as it was not life threatening; and
 - ii. No weapon was produced in evidence.
3. Counsel did not refer to any case authority in support of his application.

RESPONSE BY THE STATE

4. Ms Suifa'asia refers to the leading case authority of R v Jeremiah [2016] NRSC 42 where Crulci J said (at para 22):

[22.] Taking the above matters into consideration, the following are guidelines when a submission of no case to answer is to be made at the end of the prosecution case:

- (1) If there is no evidence to prove an element of the offence alleged to have been committed, the defendant has no case to answer.*
- (2) If the evidence before the court has been manifestly discredited through cross-examination that no reasonable tribunal could convict on it, the defendant has no case to answer.*
- (3) If the evidence before the court could be viewed as inherently weak, vague or inconsistent depending on an assessment of the witness' reliability, the matter should proceed to the next stage of the trial and the submission of no case to answer be dismissed.'*

5. Counsel noted the following provisions of the Act:
 - i. Section 17- definition of 'intention';
 - ii. Section 8- definitions of –
 - a. 'conduct';
 - b. 'harm';
 - c. 'physical harm';
 - d. 'endanger';
 - e. 'serious harm.
6. Counsel considered all the elements of the offence and applied the evidence adduced to each element.
7. On Mr Degei's submission that the complainant did not suffer any 'serious harm,' Ms Suifa'asia refers to the definition of 'endanger' and that this is to be read with the definition of 'serious harm.'
8. Counsel concludes that there is a prima facie case to require the accused to be put to his defence.

CONSIDERATION

9. Section 71 (a)(b)(c) and (i) of the Act provides:

A person commits an offence, if

- the person intentionally engages in conduct
- the conduct causes **serious harm** to another person; and
- the person intends to cause serious harm
- to that person
- by the conduct

10. Mr Degei contends that there is no evidence that the accused's conduct caused 'serious harm' to the complainant. He submits that the injury suffered by the complainant was not 'life threatening.' I note that Counsel has not referred to any particular witness or evidence that supports his contention.

11. Considering the evidence and submissions, I'm persuaded to agree with Ms Suifa'asia that there is sufficient evidence for a prima facie case against the accused on the offence charged. This matter will proceed to the next stage of the trial and the application of no case to answer is dismissed.

12. Explain options to the accused.

Dated this 26th Day of March 2026


Kiniviliame T. Keteca

Judge

