

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
TRIAL DIVISION

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PALAU SUPREME COURT
USA CLERK

REPUBLIC OF PALAU,

Plaintiff,

v.

JOLEEN NGORIAKL,

Defendant.

CRIMINAL CASE NO. 22-027

FINDINGS AND ORDERS

Counsel for Plaintiff: A. Cripps
Counsel for Defendant: W. Mucunabitu

The Republic charged Joleen Ngoriakl, in her official capacity as the former Chief of Staff of Koror State Governor Franco Gibbons, with several crimes. At the September 29, 2022 pre-trial conference, Defendant Ngoriakl, through her attorney, moved for an order severing her case for trial from that of her co-Defendant, which trial is set for October 31, 2022. The Court granted the motion on the record, and the trial against Defendant Ngoriakl proceeded as scheduled on October 4, 2022 and concluded with closing arguments on October 5, 2022.

Defendant Ngoriakl was charged with Misconduct in Public Office 17 PNC § 3918, Count 2; violations of the Code of Ethics Act 33 PNC §§ 603 and 604, Counts 4 and 6, for Use of Government Property and Conflict of Interest; Theft of Government Property in the First Degree 17 PNC § 2615, Count 7, and Tampering With A Government Record 17 PNC § 914, Count 8. Count 2 having been previously dismissed, trial proceeded on the remaining counts.

The charges stem from activities alleged to have taken place between March 1, 2020 and

July 31, 2020, in Koror State, Republic of Palau. During this time period, Defendant was employed as the Chief of Staff of co-Defendant Franco Gibbons, then-Governor of Koror State. Defendant is accused of misusing Koror State Government personnel, funds, and equipment to repair and renovate her family home and personal property in Nandeng, Ngerkesoaol.

After hearing testimony from the witnesses, reviewing the exhibits, and hearing closing arguments, the Court finds that the Republic has met its burden of proof beyond a reasonable doubt that Defendant, while Chief of Staff of Defendant Franco Gibbons while he was Governor of Koror State, did knowingly and willfully use government property for private activities which served no government or public purpose and did so through her official position to secure favorable treatment for herself through the process of requesting for use of State resources for the renovation of her family home. The Court further finds that such conduct constitutes violations of the Code of Ethics as charged in Count Four of the Information, .Knowingly or Willfully Used Government Property for Private Activities Serving No Governmental or Public Purpose (33 PNC § 603) and as charged in Count Six, Conflict of Interest (33 PNC § 604). The Court finds that the Republic failed to meet its burden of proof on the remaining two counts.

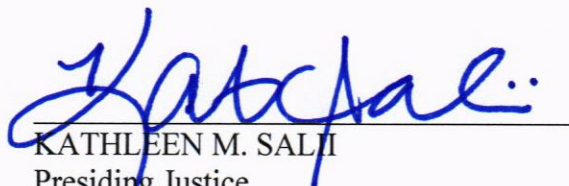
Accordingly and pursuant to ROP R. Crim. P 31, the Court finds Defendant GUILTY of the following charges:

1. Count Four – Code of Ethics, 33 PNC § 603, Use of Government Property Serving No Public Purpose and
2. Count Six – Code of Ethics, 33 PNC § 604, Conflict of Interest.

As to Count Eight, Theft of Government Property In The First Degree, and Count Nine, Tampering With A Government Record, Count Nine, the Court finds Defendant NOT GUILTY of these charges.

Sentencing is hereby set for November 14, 2022 at 10:00 a.m. in Courtroom 101 for which Defendant is ordered to appear. Pursuant to 17 PNC §§ 614-615, a pre-sentence diagnosis report shall be prepared by the Probation Office and submitted to the Court and counsel by no later than November 7, 2022.

SO ORDERED this 6th day of October 2022.


KATHLEEN M. SALII
Presiding Justice