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PALAU SUPREME COURT
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**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
TRIAL DIVISION**

CRIMINAL CASE NO. 22-027

REPUBLIC OF PALAU,

Plaintiff,

v.

FRANCO GIBBONS,

Defendant.

FINDINGS AND ORDER

Counsel for Plaintiff: A. Cripps
Counsel for Defendant: R. Oilouch

The Republic charged Franco Gibbons, in his official capacity as the former Governor of Koror State, with Misconduct in Public Office, 17 PNC § 3918, Count 1; violations of the Code of Ethics Act, 33 PNC §§ 603 and 604, Counts 3 and 5, for Use of Government Property and Conflict of Interest; Theft of Government Property in the First Degree, 17 PNC § 2615, Count Seven, and Tampering With A Government Record, 17 PNC § 914, Count Nine. The case proceeded to trial on November 1-3, 2022.

The charges stem from activities alleged to have taken place between March 1, 2020 and July 31, 2020, while Defendant was Governor of Koror State; Defendant is accused of misusing Koror State Government personnel, funds, and equipment to repair and renovate the family home of his Chief of Staff, Joleen Ngoriakl. Specifically, Defendant approved of the request to use personnel and equipment from KSG's Public Works to assess and renovate Joleen Ngoriakl's

home in Nandeng, Ngekesoaol. Once that approval was given, work proceeded on the project using Koror State Government equipment and manpower, and Public Works carpenters were paid for their work on the project to renovate and extend the residential home.

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 Governor of Koror State, did knowingly and willfully use government property for private activities which served no government or public purpose when he, as Governor, approved use of Koror State resources to renovate the private residence of his Chief of Staff. Such conduct constitutes Misconduct in Office and violations of the Code of Ethics.

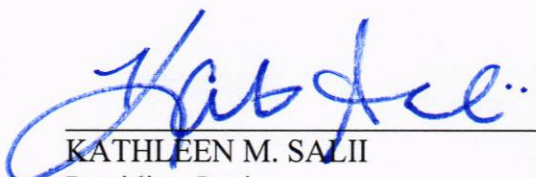
Accordingly and pursuant to ROP R. Crim. P. 31, the Court finds Defendant GUILTY of the following charges:

1. Count One – Misconduct in Public Office, 17 PNC § 3918;
2. Count Three – Code of Ethics, 33 PNC § 603, Use of Government Property Serving No Public Purpose;
3. Count Five - Code of Ethics, 33 PNC § 604, Conflict of Interest; and
4. Count Nine – Tampering With A Government Record.

As to Count Seven, Theft of Government Property In The First Degree, the Court finds Defendant NOT GUILTY of this charge.

Sentencing is hereby set for December 2, 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 21, 2022.

SO ORDERED this 4th day of November, 2022.



KATHLEEN M. SALII
Presiding Justice