

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
TRIAL DIVISION

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PALAU SUPREME COURT
CSA CLERK

REPUBLIC OF PALAU,

Plaintiff,

v.

ELLENDER NGIRAMEKETII,

Defendant.

CRIMINAL CASE NOS. 19-097 &
19- 118 (Consolidated)

**SENTENCING ORDER ON
REMAND**

Counsel for Plaintiff: A. Cripps
 Office of the Special Prosecutor

Counsel for Defendant: B. S. Nicholas

After hearing from counsel and considering the Appellate Division’s July 1, 2022 mandate on remand for re-sentencing to address the amount of fines, *Ngirameketii v. ROP*, 2022 Palau 9, and as stated on the record after hearing from counsel, the Court finds no reason to adjust the other aspects of Defendant’s sentences for the same reasons set forth in the October 15, 2021 Sentencing Order other than the amount of fines, with one exception regarding a condition of probation regarding employment as further detailed below. Accordingly, the Court hereby sentences Defendant to an overall sentence of Six¹ Years of Probation and total fines of \$96,000.00.

1. Misconduct in Public Office violations, 17 PNC § 3918, six counts Defendant is sentenced

¹ To avoid any confusion, the Court stated on the record at today’s sentencing hearing that it was not modifying the terms of the original sentence it imposed other than to reduce the fines for the Code of Ethics violations. If the Court misspoke to state that Defendant was sentenced to a total of Five years of probation, that was a mistake. The sentence is to a total of Six years as originally sentenced (five years for Misconduct in Office and one year for Code of Ethics), to a total of Six Years of Probation.

to Five (5) Years of Probation. While on probation, Defendant is sentenced to eighteen (18) months imprisonment, suspended and Defendant to comply with conditions of probation.

2. Misconduct in Public Office violations, 17 PNC § 4204, six counts, Defendant is sentenced to one year imprisonment, concurrent and suspended, and a \$1,000 fine for each count for a total of \$6,000.00 in fines. The concurrent jail terms for these convictions to be consecutive to the term of imprisonment on the Misconduct in Public Office 17 PNC § 3918 convictions.

3. On the Code of Ethics violations, six counts. Guided by the Appellate Division's remand for re-sentencing, the Republic argued for a total of \$150,000 in fines for these violations while the Defendant argued for \$12,000.00 in total fines. The Court determines that \$15,000.00 for each violation, for a total of \$90,000.00 for these violations, takes into account the parties' arguments as well as the Appellate Division's mandate.

4. On the Social Security Act violations, six counts, the Court imposes a sentence of \$1,000.00 for each conviction for a total amount of \$6,000.00 in fines. These fines are concurrent with the fines imposed for the convictions of 17 PNC § 4204.

The total fines assessed is **\$96,000.00**

5. Conditions of Probation pursuant to 17 PNC § 635:


- a. Serve Eighteen (18) months imprisonment, suspended;
- b. Payment of \$96,000.00 in fines to be paid in one, lump-sum amount out of the funds currently on deposit with the Clerk of Courts and with any residue to be released to Defendant;
- c. Not commit another crime or engage in criminal conduct in the Republic of Palau or any jurisdiction that would constitute a crime under the laws of the Republic of Palau;
- d. Report to a Probation Officer as directed by this Court or a Probation Officer;

- e. Remain within the jurisdiction of the Court, unless granted permission to leave by the Court or a Probation Officer;
- f. Notify a Probation Officer prior to any change in address or employment;
- g. Notify a Probation Officer promptly if arrested or questioned by a law enforcement officer;
- h. Permit a Probation Officer to visit Defendant at home or elsewhere as may be specified by the Court; and
- i. Obey all laws of the Republic and orders of this Court, which include the directives of its Probation Office.

Failure of Defendant to comply with any of the above terms and conditions may be grounds for revocation of his probation, and part or all of the original sentence may be imposed.

In accordance with ROP R. Cr. Pro. 32(a)(2), Defendant is hereby advised of his right to appeal the sentence herein and to apply for leave to appeal *in forma pauperis* if he is unable to pay the cost of appeal.

SO ORDERED this 7th day of November, 2022


KATHLEEN M. SALII
Presiding Justice