

IN THE HIGH COURT OF KIRIBATI ) HIGH COURT CRIMINAL CASE No. 33 OF 2005  
CRIMINAL JURISDICTION )  
HELD AT BETIO )  
REPUBLIC OF KIRIBATI )

THE REPUBLIC  
VS  
TEWAROI ABITAI

FOR THE REPUBLIC: MS OLGA GUILLEN  
FOR THE ACCUSED: MS BOTIKA MAITINNARA

DATE OF HEARING: 16 NOVEMBER 2005

### SENTENCE

Tewaroi Abitai: you have pleaded guilty to indecent assault. In April this year you were living at Bikenibeu with relatives. The victim, a girl of 15, was a member of the family, your cousin. She came to you asking for the use of a comb. She was wearing a lava-lava over her breasts. You attempted to lie her down and touched her breast through the lava-lava. The family thought she had consented and she was beaten. You went to live somewhere else.

You are 21 and I understood from Ms Maitinnara are training to be a fisherman and waiting to go to England. Your parents are on Tabuaeran. You have been living with an uncle and supporting him in a subsistence life style. Ms Maitinnara emphasized that there was no physical violence. She asked that any sentence of imprisonment be suspended.

Ms Guillen opposed suspension. She said it was not the first time you had done this. You have been charged only with this one offence and have admitted no others. I therefore ignore the suggestion that you had done this before. I sentence you for this one incident only.

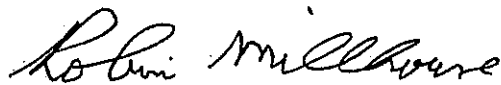
You have no previous convictions and pleaded guilty as soon as you could. You will therefore receive a lesser penalty than if you had previous convictions and had not admitted what you did.

You will be imprisoned for six months. The term of imprisonment will be suspended if you promise to be of good behaviour for the next two years.

That means if you do not commit any other offence in the next two years you will not have to serve the six months in gaol. If you are convicted of another offence in the next two years you will be punished for it and as will be liable to serve this six months.

Do you understand? Yes  
Do you agree? Yes

Dated this 17<sup>th</sup> day of November 2005



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THE HON ROBIN MILLHOUSE QC  
Chief Justice