

IN THE HIGH COURT OF KIRIBATI ) HIGH COURT CRIMINAL CASE No. 5 OF 2006  
CRIMINAL JURISDICTION )  
HELD AT KIRITIMATI )  
REPUBLIC OF KIRIBATI )

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THE REPUBLIC  
V  
TOANIKARAWA TEIBAORO

FOR THE REPUBLIC: MS RURIA ITERAERA  
FOR THE ACCUSED: MR AOMORO AMTEN

DATE OF HEARING: 25 OCTOBER 2006

### SENTENCE

Toanikarawa Teibaoro: you were charged with murder. When you were arraigned you pleaded not guilty to murder but guilty of manslaughter. The prosecutor accepted your plea.

In 2000 the deceased Tawita, who was your cousin and like you comes from TabNorth, raped your wife. Up to then you and he had been good friends. You accepted his apology but from then on you were not on such close terms.

On the day of his death Tawita had been drinking with a friend from midday. In the evening they went to a house in Tereitannano village on Tabuaeran to have some food. He asked his friend to call you to come to drink with them. You came but as soon as you were there a quarrel broke out between you and Tawita. He then said something to you most provocative both wounding and insulting: that you are not the father of your youngest child but that he was. You were very angry. He challenged you to a fight. You accepted the challenge and clutched a knife which had been on the buia. You and Tawita fought for some time before he staggered away. You tried to follow but were restrained by the occupant of the house. The deceased had collapsed. You had inflicted severe injuries which caused Tawita to bleed to death. I accept that you were greatly provoked but the injuries were so deep that you must have used a lot of force to inflict them: you must have inflicted the injuries deliberately.

At the time when you were called over to join the deceased you were on your way home from work. You had not been drinking. You were a special constable.

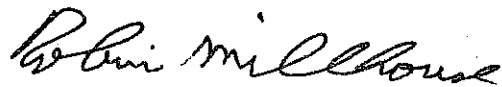
You are 43, married with seven children. You were a village warden in 1997 and became a special constable in 2000.

This is your first conviction. That is in your favour as also is that you pleaded guilty as soon as you could. Both these things and the great provocation which Tawita caused you mean a much shorter term of imprisonment than otherwise.

However I cannot overlook the severe injuries you caused by deliberately using the knife.

You will be imprisoned for three years to date from last Wednesday 25<sup>th</sup> October when you went into custody.

Dated the 30<sup>th</sup> day of October 2006



*Robin Millhouse*

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THE HON ROBIN MILLHOUSE QC  
Chief Justice