

IN THE HIGH COURT OF KIRIBATI ) HIGH COURT CRIMINAL CASE No. 52 OF 2006  
CRIMINAL JURISDICTION )  
HELD AT BETIO )  
REPUBLIC OF KIRIBATI )

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THE REPUBLIC  
V  
BWARAIRAI KAKATI

FOR THE REPUBLIC: MS PAULINE BEIATAU  
FOR THE ACCUSED: MR BANUERA BERINA

DATE OF HEARING: 5 FEBRUARY 2007

SENTENCE

Bwarairai Kakati: you were charged with murder and pleaded not guilty. During the trial you asked to be arraigned again and changed the plea to guilty.

You and the victim, Takenteata and two women had been drinking yeast on the ocean side of Antenon village. During the afternoon after the drinking you all were back at the house of one of the women. You and the victim had a fist fight. You knocked the victim to the ground. You went away and came back with a knife. The victim was still on the ground. You stabbed him many times. The medical report sets out that there were multiple wounds over the face, shoulder, chest, left arm, left wrist and back. He was dead on arrival at the Betio hospital.

This is the second time you have been charged with murder. In 1999 you killed a man, your good friend during an argument, by hitting him over the head with a whiskey bottle. During that trial you changed your plea of not guilty of murder to guilty of manslaughter. The prosecutor accepted the plea. I sentenced you to seven years' imprisonment. You were released on parole and that parole was due to expire a few days after you committed this crime.

I have looked at what I said in 2000 on sentencing you. This is part of what I said:

The tragedy is that when sober you have been a good citizen, an active member of the Catholic Church and the local Scout Commissioner here in Betio. Even more you gave up drinking alcohol for a year until seven or eight months before this. You began drinking again because of stress through problems of work.

You say that you will never drink alcohol again.

Mr Berina has told me that you kept to that until this incident. You had become the vice chairman of the local AA group. You were again an active church member and were a trusted employee, a salesman for Itoman.

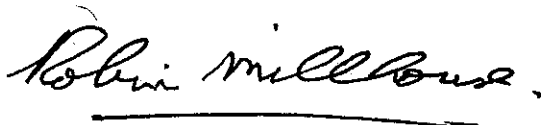
When you have been drunk you have done terrible things. You made the mistake of drinking again and did this terrible thing.

You are now 38, you are married with five children. You have been the provider for them. They will suffer hardship, as they did before, by your being imprisoned again.

You get some credit, some reduction in penalty because of your change of plea to guilty. If it were not for that I may well have set a non-parole period longer than 10 years. As it is I shall not set a non-parole period which means that you will serve 10 years' imprisonment before you are eligible for consideration of parole.

I sentence you to life imprisonment.

Dated the 7<sup>th</sup> day of February 2007

A handwritten signature in black ink that reads "Robin Millhouse". The signature is written in a cursive style and is positioned above a solid horizontal line.

THE HON ROBIN MILLHOUSE QC  
Chief Justice