



## HIGH COURT OF KIRIBATI

*Criminal Case No 1/2016*

**THE REPUBLIC**

**v**

**KEETAU MOOTE**

*Tewia Tawita, Senior State Attorney, for the Republic  
Reiati Temaua for the accused*

### **FILE NOTE**

- [1] By information filed on 15 January 2016, the accused was charged with 1 count of attempted rape, contrary to section 130 of the *Penal Code*.
- [2] The matter was listed for trial before the Chief Justice on 15 November 2017, but the accused did not appear, and a warrant was issued for his apprehension.
- [3] The warrant was never executed, and I am informed by counsel for the Republic that the accused is believed to have been a passenger on the MV *Butiraoi* when it sank in January this year. Because of the manner of the vessel's sinking it has not been possible to confirm the death of the accused, so no death certificate has been issued.
- [4] In the circumstances, counsel for the Republic has stated in court the Attorney-General's desire to enter a *nolle prosequi* under section 68(1) of the *Criminal Procedure Code*. The accused is accordingly discharged.
- [5] This file is to be closed.

Dated 3 August 2018.

  
**Lambourne J**  
Judge of the High Court

The seal of the High Court of Kiribati, featuring a shield with a sun, waves, and a bird, surrounded by the text 'HIGH COURT OF KIRIBATI' and 'TE KAO AO TE'.