

IN THE HIGH COURT OF KIRIBATI)
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

CRIMINAL CASE No. 4 OF 2000

THE REPUBLIC
V.
MOREI ATANIMAN

FOR THE REPUBLIC: MR TION NABAU
FOR THE ACCUSED: MR NEIL ALLEN

DATE OF HEARING: 25 AUGUST 2000

SENTENCE

Morei Ataniman: you have pleaded guilty to two offences, indecent assault and attempted defilement of a girl under the age of 13 years. The first crime has a maximum penalty of five years' imprisonment, the second a maximum of 2 years. There was only one incident and it involved your own 11 year old daughter.

Mr Allen told me that you had been drinking with two friends: you were drunk. You thought of your previous wife. The marriage finished three years ago. You decided to go to see her even though it was the middle of the night. She rebuffed you. You went to a *maneaba* where your sister and daughter were. You took your daughter to your house. Mr Allen said you lost touch with reality, thought your daughter was your wife. You ordered her to undress and indecently assaulted her by putting your finger in her vagina: you could not penetrate her. Mr Allen says you realized what you were doing and stopped. This is not the version of the facts given by the prosecution but as it is more favourable to you I shall accept it.

You have seen your daughter only once since when you apologized to her. You send money to maintain her and have bought her a bike to make some amends.

What you did was a serious crime, to violate your own young daughter.

You are 33 years old and now are living with your mother at Bonriki.

You have no previous convictions and have pleaded guilty. Those things are in your favour and reduce your penalty.

Nevertheless you must go to gaol for what you did.

On the first count of indecent assault you will be imprisoned for 2 years from last Friday, 25 August. On the second count you are convicted without penalty.



THE HON ROBIN MILLHOUSE QC
CHIEF JUSTICE
(29/08/00)