

# IN THE HIGH COURT OF KIRIBATI 2018

CRIMINAL CASE NO. 3 OF 2017

|         |               |            |
|---------|---------------|------------|
|         | [THE REPUBLIC | PROSECUTOR |
|         | [             |            |
| BETWEEN | [AND          |            |
|         | [             |            |
|         | [MANAIMA TITO | ACCUSED    |

Before: The Hon Chief Justice Sir John Muria

29 August 2018

*Ms Pauline Beiatou* for the Prosecutor  
*Ms Angitonu David* for the Accused

## SENTENCE

**Muria, CJ:** The accused pleaded guilty and he is a first offender. He is remorseful and apologized to the victim. Ms David of Counsel for the accused asked for a lenient sentence, including a suspended sentence.

This is a serious case of assault. The accused was charged with Grievous Bodily Harm carrying seven years maximum. The accused inflicted serious injuries to the victim who almost died.

As Ms Beiatou rightly pointed out, this is an offence involving violence and use of weapon in the commission of the offence. The case merits a custodial sentence.

Applying *Republic –v- Uriano’s* case [2013] KICA 11, the accused is entitled to 30% reduction for his guilty plea. That makes it 4½ years. With the other mitigating

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factors adverted to by Counsel for the accused a further reduction can be made which will bring down the sentence to about 2 years plus. The Court also takes into consideration the cases cited by Ms David.

The court however cannot overlook the fact that the use of a weapon (knife) in this case is clearly serious and unwarranted. It is the major aggravating factor in this case.

In the circumstances the Court feels that taking into account all the mitigating factors, and applying the principles in *Republic –v- Uriano*, the appropriate sentence is one of two years' imprisonment which must be served.

Offences of violence that are committed with use of weapons do not merit suspension. This is not a case where suspended sentence is applicable.

**SENTENCE:** Two years' imprisonment to be served with effect from date taken into custody, i.e. 20 August 2018.

Dated the 29<sup>th</sup> day of August 2018

