



HIGH COURT OF KIRIBATI

Criminal Case N° 20/2018

THE REPUBLIC

v

RAIMON TAAKE

*Pauline Beiatou, Director of Public Prosecutions, for the Republic
Batitea Tekanito for the accused*

FILE NOTE

- [1] By information filed on 11 April 2018, the accused was charged with careless driving causing death, contrary to section 33(1) of the *Traffic Act 2002*. By the same information, the accused and his wife were jointly charged with failing to stop following an accident, contrary to section 58A(1) of the *Traffic Act*.
- [2] That information did not comply with section 70 of the *Criminal Procedure Code (Cap.17)*, so a fresh information was filed on 27 September 2018, retaining the careless driving causing death charge against the accused, but omitting the second count. The following day, counsel for the accused advised that her client would be pleading not guilty to the charge, and the matter was set down for trial in February 2019. At the time, it was clear that the accused's hearing was significantly impaired and he had mobility issues, said to be the consequence of a stroke.
- [3] The original trial date became unavailable, so the matter was relisted for July. In May, the Court was informed that the accused had suffered another stroke, and was now bedridden. Counsel for the accused undertook to obtain a report detailing her client's condition, so that consideration could be given as to whether the matter should proceed at all. In the meantime, the July trial date also became unavailable, and the matter was relisted for September.

- [4] By 23 August, counsel for the accused had been unable to obtain the report of her client's condition, so I ordered the Secretary for Health to arrange for the accused to be examined. A report from Dr Ioanna Ioran was received on 20 September, confirming the accused's medical condition. Dr Ioanna said that recovery from a stroke of the kind experienced by the accused usually takes 6 months but, in the case of the accused, she expressed the view that his recovery was likely to take much longer.
- [5] This morning, counsel for the prosecution informed the Court that, in light of the accused's medical condition, she would enter a *nolle prosequi* on behalf of the Attorney-General under section 68(1) of the *Criminal Procedure Code*. Counsel made it clear that, should the accused recover from his present affliction, the Attorney-General would consider filing a fresh charge against him.
- [6] As the Republic intends that these proceedings not continue, the accused is accordingly discharged.
- [7] This file is to be closed.

Dated 25 October 2019.


Lambourne J
Judge of the High Court

The seal of the High Court of Kiribati is circular with a red border. The text "HIGH COURT OF KIRIBATI" is written in red capital letters around the top inner edge. At the bottom inner edge, the Kiribati motto "TE MOI AE E RIETATA I KIRIBATI" is written in red. The center of the seal features a red shield with a white sunburst at the top, a white wave pattern in the middle, and a white anchor at the bottom.