



HIGH COURT OF KIRIBATI

Criminal Case No 18/2018

THE REPUBLIC

v

TAMUERA BEBEUNGA

*Pauline Beiatau, Director of Public Prosecutions, for the Republic
Reiati Temaua for the prisoner*

Date of sentencing: 19 March 2019

SENTENCE

- [1] The prisoner has been convicted of murder following a trial. The facts of this case are set out in my judgment, which was delivered on 15 March 2019.
- [2] I am obliged by law to impose a sentence of imprisonment for life. I do however have some discretion as regards the fixing of a non-parole period. Section 11(1A) of the *Parole Board Act 1986* provides as follows:
 - (1A) Where a court sentences an offender to imprisonment for life, it may, at the time of passing sentence, and having regard to the particular circumstances of the case, fix a period longer or shorter than the standard period of 10 years...
- [3] The matters to be taken into consideration in the exercise of this discretion include both the circumstances of the offending as well as the personal circumstances of the prisoner.¹
- [4] Counsel for the prosecution submits that the use of a knife in the commission of this offence calls for a non-parole period longer than the standard period. Conversely, counsel for the prisoner submits that I should fix a shorter period.
- [5] The prisoner is 48 years of age. He has no children. At the time of this offence, he was a licensed seller of sour toddy, which was his sole source of income. His wife had left him some time before the offence, and he was drinking heavily on a regular basis. He considers that he had a problem with alcohol at the time, but has not sought any help with that since his arrest.

¹ *Nakibae Tiiroo v Republic* [2009] KICA 20

- [6] The prisoner has a previous conviction for a very minor offence from 1998, which is not relevant for present purposes.
- [7] After his arrest, the prisoner spent 47 days in custody prior to his release on bail. He has been remanded in custody since his conviction on 15 March (a further 4 days). These periods of pre-sentence custody do need to be reflected in the sentence that I deliver today. I am therefore prepared to reduce the prisoner's non-parole period by 2 months.
- [8] There is nothing else in the circumstances of this case that I consider justifies any further reduction in the non-parole period, nor do I accept that there is anything about the facts of this case that warrants a longer non-parole period than normal.
- [9] I sentence the prisoner to imprisonment for life. Under section 11(1A) of the *Parole Board Act* I fix a non-parole period of 9 years and 10 months, after which the prisoner will become eligible for consideration for release on parole.


Lambourne J
Judge of the High Court

