

IN THE HIGH COURT OF KIRIBATI) HIGH COURT CRIMINAL CASE No. 4 OF 2004
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

THE REPUBLIC
VS
NEEMIA NAVAIA

FOR THE REPUBLIC: MS RURIA ITERAERA
FOR THE ACCUSED: MS TAOING TAOABA

DATE OF HEARING: 2 APRIL 2004

SENTENCE

Neemia Navaia: you have pleaded guilty to indecently assaulting a girl of 13. You had paid her \$20.00 and she was willing to let you touch her. You took her to your house and persuaded her to go inside where you gave her the money. You took off her shorts. You sucked her nipples. You took off your shorts and sat naked with her on the floor. She opened her legs, you licked her vagina. She put on her shorts and left.

The serious aspect is that she was under age, only 13 years old. Her consent is no defence for you even though you may not have realized it was an offence to have sex with a girl of that age.

You are 66 years old, unemployed, married with five children and nine grand children. You were living, when this happened last January, with your son, a policeman in the Police Lines at Betio. You say you were drunk at the time and have since given up drinking.

You have five previous convictions, none of them since 1984, all minor and of a different kind. I ignore them.

You have pleaded guilty as soon as you had the opportunity. That is in your favour and means a lesser penalty than if you had denied what you did.

Yet this was very bad conduct: you a man of 66 having sex with a girl of 13. You must go to gaol. Ms Taoaba asked that the sentence be suspended but you will have to serve it. There are no special reasons why you should not.

You are sentenced to six months' imprisonment to run from last Friday, 2nd April, when you went into custody.

Dated the 5th day of April 2004

A handwritten signature in cursive script, appearing to read "Robin Millhouse", written in dark ink. The signature is positioned above a horizontal line.

THE HON ROBIN MILLHOUSE QC
Chief Justice