



## HIGH COURT OF KIRIBATI

*Criminal Case No 11/2015*

**THE REPUBLIC**

**v**

**MIKAOBO TOOMA**

*Tewia Tawita, Senior State Attorney, for the Republic  
Raweita Beniata for the accused*

### **FILE NOTE**

- [1] By information filed on 16 June 2015, the accused was charged with 1 count of rape, contrary to section 129 of the *Penal Code*, and 1 count of common assault, contrary to section 237 of the *Penal Code*.
- [2] The matter proceeded to trial before Zehurikize J, with hearing days on 27 October and 1 November 2016. For a number of reasons the trial could not be concluded before the judge's departure in 2017. When the matter was called on before the Chief Justice on 27 September 2017, and again on 4 October 2017, the accused did not appear, and a warrant was issued for his apprehension.
- [3] The warrant was never executed, and it turns out that the accused died on 3 December 2017. Counsel for the Republic has produced a death certificate.
- [4] In the circumstances, the information is dismissed. This file is to be closed.

Dated 24 July 2018.

  
**Lambourne J**  
Judge of the High Court

The seal of the High Court of Kiribati, featuring the coat of arms and the text 'HIGH COURT OF KIRIBATI' and 'I KIRIBATI TE KAO AO TE'.