

IN THE HIGH COURT OF KIRIBATI)
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

CRIMINAL CASE No. 15 OF 2000

THE REPUBLIC
V.
NEI NGAIA KAUTU

FOR THE REPUBLIC:
FOR THE ACCUSED:

MR KIRATA KOMWENGA
MS TAOING TAOABA

DATE OF HEARING:

13 & 14 AUGUST 2001

SENTENCE

Ngaia Kautu you have been found guilty of two offences under S.134 of the *Customs Act*, evading customs duty and making a false declaration. In August 1998 you were trying to import goods from Fiji.

You were married in 1983 and separated from your husband in 1998. You have two sons, the elder of whom is at school in Fiji at his father's expense: the younger is at school here and you are responsible for his maintenance. Your elderly parents live with you. You have a store at Teaoaraereke but are not otherwise employed.

Ms Taoaba has asked that I sentence you to imprisonment and suspend the sentence. The alternative to imprisonment for these offences is a fine.

I do not think it would be appropriate for you actually to serve a term of imprisonment. However if imprisonment were suspended then – apart from the forfeiture of the goods – you are unlikely to feel any punishment at all for what were quite wrong actions.

You have no previous convictions.

Ms Taoaba asked that if I do impose a fine you be allowed to pay by instalments. Mr Komwenga did not oppose that.

You are fined on each count \$1,000, a total of \$2,000.00. I shall discuss with the lawyers how long you should have to pay the \$2,000 and what the instalments should be.

Dated the 22nd day of August 2001

A handwritten signature in blue ink that reads "Robin Millhouse". The signature is written in a cursive style and is underlined with a single horizontal line.

**THE HON ROBIN MILLHOUSE QC
CHIEF JUSTICE**