

IN THE HIGH COURT OF KIRIBATI ) HIGH COURT CRIMINAL CASE No. 19 OF 2004  
CRIMINAL JURISDICTION ) HIGH COURT CRIMINAL CASE No. 20 OF 2004  
HELD AT BETIO )  
REPUBLIC OF KIRIBATI )

THE REPUBLIC  
VS  
AMON BERENATO

FOR THE REPUBLIC: MS RURIA ITERAERA  
FOR THE ACCUSED: MR AOMORO AMTEN

DATE OF HEARING: 18 MAY 2004

### SUPPLEMENTARY REASONS FOR JUDGMENT

I gave judgment in each of these actions on 19<sup>th</sup> May, finding Amon Berenato guilty on all five counts.

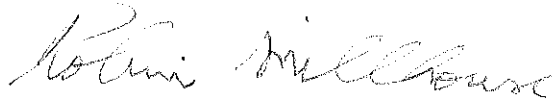
When Mr Amten came to make submissions on penalty, he did so on the assumption that his client had paid over the monies to the then chairman of the group, Rurantaa. In my judgment in case 19/04 I said that Amon in his evidence had been vague as to what use was made of the monies. I noted that the prosecution had not called Rurantaa.

When Mr Amten made his submissions it was obvious that Rurantaa should have given and must, if available, give evidence. If Amon had handed over the monies to the chairman then he should not have been found guilty, having shewn no intention permanently to deprive the group of them.

Ruontau (as he gave his name) came from Butaritari and gave evidence on the 26<sup>th</sup> May. He was called by Ms Iteraera. He confirmed that no authority had been given to Amon to make any of the withdrawals. He said he had not received any of the monies withdrawn, nor had anyone else.

I shall now sentence Amon on the basis that he did not hand over the monies to anyone but kept them for himself.

Dated the 27<sup>th</sup> day 2004

A handwritten signature in cursive script, reading "Robin Millhouse".

**THE HON ROBIN MILLHOUSE QC**  
**Chief Justice**