



HIGH COURT OF KIRIBATI

Criminal Case No 34/2016

THE REPUBLIC

v


ERIA EUROBWA

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

FILE NOTE

- [1] By information filed on 29 March 2016, the prisoner was charged with 1 count of incest by a man, contrary to section 156(1) of the *Penal Code* (Cap.67).
- [2] That information did not comply with section 70 of the *Criminal Procedure Code*, and a fresh information was filed by the Attorney-General on 3 December 2018, charging the prisoner with 5 counts of incest by a man.
- [3] On 7 December, the prisoner pleaded guilty to all counts, and submissions on sentence were received from counsel. The matter was then adjourned to enable the defence to obtain a medical report concerning the prisoner's mental health.
- [4] On 21 February 2019, before the matter could resume, the prisoner was admitted to hospital, and he died 2 days later. I have been provided with a copy of the death report from the prison. As this is technically a death in custody, I understand that steps are underway to conduct the death inquiry required by section 6 of the *Death and Fire Inquiries Ordinance* (Cap.24).
- [5] In the circumstances, the information is dismissed. This file is to be closed.

Dated 29 March 2019.


Lambourne J
Judge of the High Court

