



**Republic v Shikoli (Criminal Case E036 of 2022)
[2023] KEHC 18457 (KLR) (31 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 18457 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E036 OF 2022
PJO OTIENO, J
MAY 31, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

ERICK ASHIHUNDU SHIKOLI ACCUSED

SENTENCE

1. The accused was convicted on own plea of guilty to the negotiated charge of manslaughter.
2. A pre-sentence report was filed prior to mitigation which report was compiled out of interviews with the accused himself, his family members, the family of the victim and the community as represented by the local administration.
3. In sum the report disclose the accused as aged 30 years and married with a three years old child; whose family is prepared to support with a view to reintegrating into society by among other things selling their family land and relocating wholly away from the locality of the offence.
4. For the victim’s family, it was acknowledged that both families belong to the same clan which, though still distraught, was not averse to the prospects of Court imposing a non-custodial. The only reservation was that the accused family sells their land and relocates away in accordance with the community customs. Even the local administration saw no harm by way of threat to peace if the accused is accorded non-custodial sentence save that he needs to be sternly warned to manage his stubbornness and to relocate away from the area to avoid conflict out of use of common resources.
5. The offender herself expressed remorse, appreciates the gravity of the offence, asserts having learnt his lessons and prays for a non-custodial sentence to enable him not only reintegrate back into society but also reunite with his young family.



6. Considering that report, the mitigation offered on accused's behalf and the opinion by the prosecution that the appropriate sentence needs to be retributive and deterrent; together with the fact that the accused has been incarceration for a period now amounting to about ten (10) months; as well as the circumstances under which the incident took place, the Court considers that the accused deserves leniency.
7. I would have sentenced him to a period of five (5) years imprisonment but having discounted his incarceration pending trial and the offer by the family to relocate to reduce possible conflict, he is sentenced to serve a probation term of three (3) years computed from the date of this order.

DATED, DELIVERED AND SIGNED AT KAKAMEGA THIS 31ST DAY OF MAY 2023.

PATRICK J. O. OTIENO

JUDGE

In the presence of:

Ms. Chala for the Prosecution/State

Ms. Eroba for Wilunda for the Accused

Court Assistant: Polycap

