



**Republic v Tioko (Criminal Case 4 of 2020) [2023] KEHC 17875 (KLR) (31 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 17875 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT LODWAR**

**CRIMINAL CASE 4 OF 2020**

**JK SERGON, J**

**MAY 31, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**ALETIA LOCHURO TIOKO ..... ACCUSED**

**SENTENCE**

1. The Accused Person herein Namely:- Aletia Lochuro Tioko, underwent a trial for the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code. However, after undergoing a trial for the offence of Murder, this court on March 30, 2023 instead convicted him for the offence of Manslaughter Contrary to Section 202 as red with Section 205 of the Penal Code.
2. Upon convicting the Accused, this court invited the Accused to make submissions on mitigation and also called the County Probation Officer to file a Presentence Report.
3. I have considered the written submissions filed by Mr Ondabu, Learned Advocate for the Defence. The Learned Defence Advocate has urged this court to mete out a lenient sentence considering the fact that the Accused is the sole bread winner for the family and that he supported his grandmother, his sisters and his children.
4. I have also taken note of the fact that the Accused has been in custody since 2020, a period of about nearly four (4) years.
5. In the Pre-sentence Report, it indicated that the Accused's father was killed by bandits when the Accused was very young. The Deceased's family have in the report expressed themselves in the Report that they are not ready to accept the offender serve a non-custodial sentence since they are still to come to terms with Deceased's death.



6. Having considered the Pre-sentence Report prepared by the County probation Officer plus the written submissions on mitigation and the fact that the Accused has been in custody since 2020, I am convinced that a custodial sentence is the most appropriate sentence.
7. Consequently, I hereby sentence the Accused to serve 8 years imprisonment.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 31<sup>ST</sup> DAY OF MAY, 2023.**

.....

**J.K. SERGON**

**JUDGE**

In the presence of:

C/Assistant – Rutoh

Prosecutor - Kakoi

Accused – Present in Prison

