



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL APPEAL NO E047 OF 2021

JACKSON LOCHIBAL.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

**(Appeal from original Sentence in Maralal Criminal Case No 98 of 2020 – A Gachie, SRM)**

**J U D G M E N T**

1. The Appellant herein, **JACKSON LOCHIBAL**, was convicted after trial of **dealing in an endangered species of wildlife** contrary to **section 92(2)** as read with **section 105(a) & (b)** of the **Wildlife Conservation and Management Act, 2013**. It was alleged in the particulars of the offence that on 02/03/2020 at Lwala Bar & Lodge in Suguta-Marmar Shopping Centre along Maralal–Nyahururu road in Samburu Central Sub-County within Samburu County, jointly with others not before court, he was found transporting approximately 1.5 tonnes of *East African Sandalwood (Osiris Lonceolata)* with a street value of KShs 6 million using motor vehicle registration No KCB 762V, make Toyota Voxy, without a permit from the Director–General, Kenya Wildlife Service.

2. On 25/11/2020 the Appellant was sentenced to seven (7) years imprisonment. He has appealed only against that sentence.

3. I have considered the Appellant’s submissions as well as those of the learned counsel for the Respondent. **Section 92(2)** of the Act under which the Appellant was convicted provides –

**“(2) A person who, without a permit or exemption issued under this Act, deals in a wildlife trophy of any critically endangered or endangered species as specified in the Sixth Schedule or listed under CITES Appendix I, commits an offence and shall be liable upon conviction to a term of imprisonment of not less than seven years.”**

4. The Appellant was found transporting a large quantity of *East African Sandalwood* (1<sup>1</sup>/<sub>2</sub> tones) which represented a large number of that shrub cut down. He certainly deserved a custodial sentence. In this appeal he did not once argue that he did not deserve a custodial sentence.

5. Once the trial court decided, as it did, that the Appellant deserved a custodial sentence, its hands were tied by the law as to the minimum number of years it could award him. In this case it was seven (7) years imprisonment, and that is what he got!

6. There is absolutely no reason for this court to interfere with that minimum term of imprisonment (by law) that the Appellant was awarded. I find no merit in this appeal against sentence. It is hereby dismissed. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 20<sup>TH</sup> DAY OF APRIL 2022**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 21<sup>ST</sup> DAY OF APRIL 2022**