



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYAHURURU**

**CRIMINAL APPEAL NO. 118 OF 2017**

**JACKSON LELESIT.....APPELLANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

1. The accused was convicted of attempted defilement and sentenced to serve minimum sentence of 10 years as provided by the law under the provisions of SOA no 3 of 2006. He had pleaded guilty to the charges and admitted facts narrated by the prosecution facts which were narrated by the prosecution. Being aggrieved by the said sentence, he lodged instant appeal and his core ground of appeal was that the sentence of 10 years' imprisonment was excessive thus he sought same to be reduced to enable him go home.

2. He also urged court to factor in the period he was in custody before sentence running from 02/12/2014 to 03/06/2015 – a period of 6 months and one day.

3. While addressing the court, he stated that he has a remission such that he will be released on 20/10/2021. Thus sought the factoring the period of custody before the date of sentence of 6 months and one day to enable him be released forthwith. The Nyahururu GK prisons confirmed to court the same position.

4. The state Counsel did not object to the court adjusting the imprisonment period so as to run from date of arrest 02/12/2014 thus together with remission, the Appellant will be entitled to be released forthwith.

5. Thus the court makes the following orders;

**i. The conviction is affirmed.**

**ii. The sentence of 10 years is affirmed but to run from 02/12/2014.**

**iii. Thus remission be factored in so that he shall be released forth unless otherwise lawfully held.**

**DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 30<sup>TH</sup> DAY OF JULY, 2021**

.....

**CHARLES KARIUKI**

**JUDGE**