



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL NO. 24 OF 2016**

**REPUBLIC .....STATE**

**VERSUS**

**KILONZO LANASAS LETIKTIK .....ACCUSED**

**RULING ON SENTENCE**

1. **KILONZO LANASAS LETIKTIK** was originally charged with the offence of murder to which he pleaded not guilty. Later following a plea bargain the director of public Prosecution reduced the charge to one of manslaughter to which Letktik pleaded guilty. The facts of the case are:

*“That on the 20<sup>th</sup> June 2015 at around 8.00pm the deceased SAMMY LETIKTIK was on his way home from the deceased brother’s home, aboard motorcycle ridden by DAVID LOLMODON RUMOLIE as a pillion passenger. On the way they met with the accused and other persons and after a brief talk the deceased hit the accused with his fist on the mouth, rider David Lolmodon Rumoile started off the engine of the motor cycle and as they were leaving, the accused punched the deceased on the ribs and the deceased fell off the motor cycle and sustained some injuries on his head. The deceased was taken to his Manyatta whereupon he died the same night. After a post mortem it was established that the deceased died of skull injuries”.*

2. The deceased was a cousin of Letiktik. It is also confirmed that the deceased, who was the aggressor as the facts show, was drunk on the material evening.

3. The court has been informed that the respective families of deceased and Letiktik have reconciled and customary practices were undertaken. This fact is confirmed by the probation report. The families and elders of the community request Letktik to be given non-custodial sentence.

4. Letiktik is a 22 year old young man. He is a first offender with no previous criminal record. He is described by elders of his Samburu community as an obedient and respectful young man. Letktik presently operator a boda boda (motor cycle) but he intends in future to enroll for a course in nursing. Probation report in recommending a non-custodian sentence states that Letiktik’s home environment is conducive to noncustodial sentence because he relates well with the deceased’s family and the community.

5. I have considered the mitigation made by counsel and the probation report. Having considered them and having considered the circumstances of the death of deceased. I find the appropriate sentence is one of probation. **I hereby sentence KILONZO LANASAS LETIKTIK to 6 months’ probation under the probation office of Maralal in Samburu County.**

**Dated and Delivered at Nanyuki this 24<sup>th</sup> May 2017**

**MARY KASANGO**

**JUDGE**

**Coram**

Before Justice Mary Kasango

Court Assistant: Njue/Maria Stella

Accused : Kilonzo Lanasas Letktik

For state: Mr. Tanui

**COURT**

Ruling delivered in open court

**MARY KASANGO**

**JUDGE**