



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

Criminal Appeal 152 of 2009

JOSEPH OSEKO NYAMAO APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

The appellant was convicted on his own plea of guilty on a charge of assault causing actual bodily harm contrary to **section 251** of the **Penal Code**. He was sentenced to imprisonment for a term of 5 years. He appealed against the conviction and sentence. He stated that the plea of guilty was not unequivocal and that the sentence was excessive.

The record shows that the plea was properly taken. The language of the court was English and there was interpretation to Ekegusii. The facts of the case were read out after entry of the plea of guilty. The appellant admitted that the facts were correct. In the circumstances, it cannot be said that the plea was not unequivocal.

As regards the sentence, the appellant deliberately inflicted very severe injuries upon his own child. He did not demonstrate any remorse. The sentence that was handed down by the trial court is not excessive. Consequently, this appeal is dismissed in its entirety.

DATED, SIGNED AND DELIVERED AT KISII THIS 18TH DAY OF MARCH, 2010.

D. MUSINGA
JUDGE.

18/3/2010

Before D. Musinga, J.

Mobisa – cc

N/A for the Respondent

Mr. Sagwe for Mr. Ombachi for the Appellant

Court: Judgment delivered in open court on 18th March, 2010.

D. MUSINGA
JUDGE.