



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAKURU
Criminal Appeal 2 of 2005

BETWEEN

BERNARD SENEYO LETIKIRICH.....APPELLANT

AND

REPUBLIC.....RESPONDENT

**(Appeal from a sentence of the High Court of Kenya at Nakuru (Mr Justice M. Apondi)
dated 29th July, 2004**

in

H.C.CR.C. NO. 15 OF 2004)

JUDGMENT OF THE COURT

The appellant was convicted on his own plea of guilty to manslaughter by the High Court of Kenya at Nakuru on 29th July, 2004 and sentenced to ten (10) years imprisonment. This was after a charge of murder had been reduced to that of manslaughter.

The appellant now appeals to this Court on the ground that the sentence imposed on him was harsh and manifestly excessive in view of the fact that he is an ailing man suffering from asthma and his health might deteriorate if the sentence of imprisonment is fully served. He prays for its reduction.

The appellant killed his father over a petty quarrel relating to a house in which the appellant wanted to spend the night. Both were drunk and during the fight the appellant was also injured. He is a young man of 28 years old and had immediately surrendered himself to the police after the killing.

Taking into consideration all the facts and circumstances of the case we are of the view that the sentence imposed by the trial court was harsh and manifestly excessive. In the result, our interference of it is therefore justified. We reduce it to seven (7) years imprisonment. We so order.

Dated and delivered at Nakuru this 28th day of February, 2006.

J. E. GICHERU

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CHIEF JUSTICE

P. K. TUNOI

.....

JUDGE OF APPEAL

W. S. DEVERELL

.....

JUDGE OF APPEAL

*I certify that this is a true
copy of the original*

DEPUTY REGISTRAR