



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA A
TNAKURU
Criminal Appeal 163 of 2004

BETWEEN

PAUL OTWERA NYAMWANGA.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from a sentence of the High Court of Kenya at Nakuru (Mr Justice Musinga) dated 15th July, 2004

in

H.C.CR.C No. 86 of 2003)

JUDGMENT OF THE COURT

The appellant was convicted on his own plea of guilty to manslaughter and sentenced to seven (7) years imprisonment.

In the appeal before us, the appellant prays for the reduction of the sentence on the ground that it is excessive in view of the fact that the killing took place after the appellant and the deceased had taken a lot of alcohol and both were intoxicated.

The facts recorded by the trial court show that the appellant is a person of ungovernable temper who killed the deceased and injured another person without much provocation. He resorted to the use of a lethal weapon without any justification whatsoever. Taking into account all the facts and circumstances of the case, we are of the view that the sentence imposed by the trial court is neither harsh nor manifestly excessive. It is indeed well merited and appropriate and there are no grounds for interfering with it. This appeal is ordered dismissed.

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

P.K. TUNOI

.....

JUDGE OF APPEAL

E. O. O’KUBASU

.....

JUDGE OF APPEAL

W. S. DEVERELL

.....

JUDGE OF APPEAL

I certify that this is a true
copy of the original

DEPUTY REGISTRAR