



REPUBLIC OF KENYA  
IN THE COURT OF APPEAL  
AT NAKURU  
(CORAM: TUNOI, O'KUBASU & WAKI, J.J.A.)  
Criminal Appeal 179 of 2003

BETWEEN

SAMSON MONTETE KOTIKOTI ..... APPELLANT  
AND  
REPUBLIC ..... RESPONDENT

(Appeal from a sentence of the High Court of Kenya at  
Nakuru (Justice M. Apondi) dated 25th day of September,  
2005.

in  
H.C.CR.C. NO. 12 OF 2002)  
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JUDGMENT OF THE COURT

The appellant **SAMSON MONTETE KOTIKOTI** was convicted on his own plea of guilty to manslaughter and sentenced to ten years imprisonment by the High Court of Kenya at Nakuru on 25th June, 2003.

The appellant for no apparent reason clubbed to death his brother's wife during the fateful evening. He alleges that he was very drunk and intoxicated and could not control himself.

In the appeal before us he asks for leniency because he is the only breadwinner of his family and that he has since contracted Tuberculosis.

We are in consonance with the learned trial Judge that the appellant has taken away the life of an innocent and defenceless young woman due to his intoxication. This is not a valid reason to kill. In the circumstances, we do not think that the custodial sentence imposed by the Court is either harsh or manifestly excessive so as to justify any interference by this Court. In the result this appeal fails and is accordingly dismissed.

**DATED and DELIVERED at NAKURU this 26th day of September, 2005.**

P.K. TUNOI  
JUDGE OF APPEAL  
E.O. O'KUBASU  
JUDGE OF APPEAL  
P.N. WAKI  
JUDGE OF APPEAL

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

**DEPUTY REGISTRAR**