



IN THE COURT OF APPEAL

AT ELDORET

CORAM: TUNOI, O'KUBASU & WAKI JJA

CRIMINAL APPEAL 154 OF 2004

BETWEEN

LAWRENCE YATIAN NAIBEI.....APPELLANT

AND

REPUBLIC.....RESPONDENT

***(Appeal from a Sentence of the High Court of Kenya at Kitale (Dulu, J) dated 17/3/2004
in***

H.C.CR. C. NO 12 OF 2002

JUDGMENT OF THE COURT

The appellant **LAWRENCE YATIAN NAIBEI** was convicted on his own plea of guilty to manslaughter and sentenced to seven years imprisonment on 17th March, 2004.

In this appeal before us, he urges that the sentence be reduced since he is a father of 18 children and their only breadwinner. He also asks us to consider the fact that he was drunk when he killed the deceased.

We have considered the appellant's submission but we are satisfied that the sentence imposed by the learned trial Judge was well-merited in the circumstances.

Further, we are not convinced that it is manifestly excessive as to require us to interfere with it. The dispute between the deceased and the appellant was indeed trivial. It did not call for the use of a lethal weapon which resulted in an unnecessary loss of life. As the sentence, in our view, was richly deserved this appeal fails and is accordingly dismissed.

Dated and delivered at Eldoret this 20th day of September, 2005.

P. K. TUNOI

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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