



**Republic v Liatuma (Criminal Case E026 of 2023)
[2024] KEHC 11218 (KLR) (26 September 2024) (Sentence)**

Neutral citation: [2024] KEHC 11218 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E026 OF 2023
SC CHIRCHIR, J
SEPTEMBER 26, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

BRIAN MATE LIATUMA ACCUSED

SENTENCE

1. The Accused herein, was initially charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. Pursuant to a plea bargain agreement, the offence was reduced to one of Manslaughter. The Accused pleaded guilty to the said charges and was convicted on his own plea.
3. In mitigation the Accused's Advocate Ms. Auma sought for leniency while stating that the accused had just turned 18 years when he committed the offence; that he is a sole provider for the family. Counsel has also urged the court to consider the fact that the Accused opted for plea bargain. He prays for non-custodial sentence.
4. On the part of the state Ms. Osoro submits that the state has indulged the Accused by conceding to the plea bargain. She further urged the court to pass a sentence that is commensurate to the offence.
5. I have considered the above submissions alongside the social inquiry report dated 2/4/2024.
6. The court was not informed if the Accused has any previous criminal record, and in the circumstances I will treat him as a first offender. Being a first offender is a mitigating factor. The Accused also pleaded guilty at the earliest date possible. That again, is a mitigating factor. The age of the accused is not a mitigating factor as the Accused was an adult at the time of the incident.



7. However part 4 of the Plea Bargain Agreement, containing the facts show that, the deceased was killed by a gang in which the Accused was part of. Committing an offence in a gang or group is an aggravating factor (Ref. Par 23.7.6 of the Kenyan [*Judiciary Sentencing Policy Guidelines*](#)).
8. Taking all the foregoing into consideration, I hereby sentence the accused to 10 years . The sentence will take effect from 27/6/2023, being the day that he was first arraigned in court.
9. Right of Appeal:- 14 days.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 26TH DAY OF SEPTEMBER , 2024

S. CHIRCHIR

JUDGE

In the presence of :

Godwin Luyundi- court Assistant

Ms Osoro for DPP

The Accused.

