



**Republic v Okumu (Criminal Case E033 of 2022)
[2023] KEHC 1394 (KLR) (28 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 1394 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E033 OF 2022
JN KAMAU, J
FEBRUARY 28, 2023**

BETWEEN

REPUBLIC STATE

AND

JAMES ONYANGO OKUMU ACCUSED

SENTENCE

1. The Accused person was charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) Cap 63 (Laws of Kenya). Upon entering a Plea Bargaining Agreement, the court has now reduced the charge to manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#) and convicted him accordingly.
2. I have looked at the facts of this case and noted that the deceased died due from an abusive relationship with the Accused person. The deceased's mother was unsettled when the deceased told her that she had gone to make porridge for him. It was not clear from the Plea Bargaining Agreement why he killed the deceased. However, from the Pre-Sentencing Report of William O. Otieno that was dated and filed on February 22, 2022, disagreement arose between the Accused person and the deceased which led to the Accused person stabbing her with a knife. This was indeed a toxic relationship going by the number of disagreements that both the Accused person and the deceased had and still continued to be in the relationship.
3. I have considered the mitigation by the counsel for the Accused person that he had no criminal history and that he had three (3) children, two (2) of whom were of tender years. I have also considered the mitigation by the State counsel that a life was lost and secondary victims were deprived of their loved one which affected them.



4. The court has noted the recommendation of the Probation Officer that a non-custodial sentence was not recommended due to the fact that the Accused person was still psychologically disturbed and that a custodial sentence would give him time to heal.
5. Taking into account that the deceased died out of gender based violence arising out of a toxic relationship with the Accused person, that the Accused person who was psychologically still disturbed, that he was a first offender and that he had saved this court judicial time by entering into a Plea Bargaining Agreement but bearing in mind that the life of the deceased was lost needlessly due to lack of anger management and the deceased's family was still traumatised, I am of the considered opinion that a sentence of twelve (12) years would be adequate in line with retributive justice.
6. I hereby sentence the Accused person to twelve (12) years imprisonment. The period between December 13, 2022 and February 27, 2023 shall be taken into consideration at the time of computing his imprisonment terms which commences today.
7. Orders accordingly.

DATED and DELIVERED at KISUMU this 28th day of February 2023

J. KAMAU

JUDGE

