



**Republic v Lomuria (Criminal Case 11 of 2019)
[2023] KEHC 18233 (KLR) (31 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 18233 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT LODWAR
CRIMINAL CASE 11 OF 2019**

JK SERGON, J

MAY 31, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

JOEL ENGOMO LOMURIA ACCUSED

SENTENCE

1. On 30th March, 2023, the Accused herein Namely:- Joel Engomo Lomuria was convicted for the offence of Murder Contrary to section 203 as read with section 204 of the [Penal Code](#).
2. Upon convicting the Accused, this Court invited the Accused to make submissions on mitigation. This Court further asked the Probation to file a Pre-sentence Report to enable this court determine the appropriate sentence.
3. I have considered the fact that the Accused has been in custody for 3 years 8 months and the fact that the Accused committed the offence under the influence of alcohol. This court has also noted that the Accused regrets committing the offence.
4. In the Probation Pre-sentence Report, it is indicated that the Accused committed the offence under the influence of alcohol. It is also recorded that the Accused and the deceased had a good relationship and that he regrets his action which led to the Deceased's death.
5. Maryanne Kariuki, the Accused's Advocate stated in the written submissions on mitigation that the Accused Person committed the offence under the influence of alcohol hence he was not aware of the legal and factual consequences of his actions. She also stated that the Accused is remorseful.
6. Having considered the mitigating factors and the Pre-sentence Report plus the fact that the Accused has been in custody for nearly four (4) years, I am convinced that the appropriate sentence should be a short custodial sentence.



7. I hereby sentence the Accused Person Namely:- Joel Engomo Lomuria to serve 8 years imprisonment.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 31ST DAY OF MAY, 2023.

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J.K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor - Kakoi

Accused – Present in Prison

