



**Director of Public Prosecution v Wangenge (Criminal Case E004 of 2022)  
[2023] KEHC 25970 (KLR) (30 November 2023) (Sentence)**

Neutral citation: [2023] KEHC 25970 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL CASE E004 OF 2022  
SC CHIRCHIR, J  
NOVEMBER 30, 2023**

**BETWEEN**

**DIRECTOR OF PUBLIC PROSECUTION ..... REPUBLIC**

**AND**

**MILTON NAMATSI WANGENGE ALIAS MAJI ..... ACCUSED**

**SENTENCE**

1. Milton Namatsi Wangenge alias Maji was convicted of the murder of Isaac Juma Onyango, on 2<sup>nd</sup> June 2023 by Justice W. Musyoka.
2. The Judge then directed the Director of Probation and After care services – Kakamega County to make a report (hereinafter referred to as he pre-sentencing report) touching on the antecedents of the accused, the views of the victim’s family and the community. Following the filing of the said report, sentencing hearing was conducted on 29.9.2023.

**Accused’s Submissions**

3. Through his counsel Ms Lucheli, the accused told the court that he was remorseful; that the time he has been in custody has been a time of learning lessons. He prays for a non-custodial sentence, to give him a chance to take care of his young family

**Prosecution’s Submissions**

4. Ms. Osoro, for the state refuted the submissions that the accused was remorseful, pointing out that as by per the pre-sentencing report, the accused is still denying that he committed the crime. It is her contention that a person without remorse is incapable of being rehabilitated. She prayed for a severe sentence.



## **Pre-Sentencing Report**

5. According to the presentencing report, there is divergence of opinion amongst the community members about the accused being considered for a non- custodial sentence. As for the victim's family, they are reported to still be unforgiving. They have had to move away from their home of fear of further victimization, as the murder herein was related to a land dispute which remains unresolved.
6. The accused has a history of aggression, and apparently, the assault leading to the deceased's death was not the first to be afflicted on the deceased, by the accused.
7. According to the Local Administration, the accused was known for anti-social behavior. His wife and 2 children had left prior to the incident and the children were under the care of their maternal grandmother.
8. I agree with the prosecution that the Accused has not shown any remorse. However, I will consider him a first offender, as there is no evidence of a previous conviction. Being a first offender is a mitigating factor.
9. Taking the foregoing into consideration, I hereby sentence the accused to 30 years in prison. The sentence will run from 24<sup>th</sup> februray 2023 being the date he was remanded.
10. Right of Appeal- 14 days.

**DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 30<sup>TH</sup> DAY OF NOVEMBER, 2023**

**S. CHIRCHIR**

**JUDGE**

In the presence of:-

Ms Lucheli for the Accused

No appearance by DPP

