



**Republic v Musami (Criminal Case 31 of 2018)
[2023] KEHC 26798 (KLR) (19 December 2023) (Sentence)**

Neutral citation: [2023] KEHC 26798 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 31 OF 2018
SC CHIRCHIR, J
DECEMBER 19, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

CEDRICK KHAYUMBI MUSAMI ACCUSED

SENTENCE

1. The accused herein was charged with the murder of Anthony Angoli on the 14th day of June 2018. He later entered into a plea bargain, in which he pleaded guilty to the lesser charge of manslaughter.
2. In mitigation, the accused through his counsel Ms. Mahuni told the court he is remorseful; that he has been in custody for the last six (6) years and has taken time to think through his actions and regrets what he did. He further submits that he comes from a broken polygamous home, but he has been trying to make amends. He further states that he has 2 children and a wife and he pleads for a chance to go back and take care them. He states that he is a first offender. He blames his actions on alcohol, for which he regrets.
3. Ms. Osoro for the state told the court that there is evidence that the accused injured two other people in the process of attacking the accused; that the sentence need to reflect the fact that life is precious.
4. I have perused one sentencing report. It indicates that the accused has a history of acts of violence and alcohol abuse. The victim’s family is yet to let go of their feelings of bitterness, aggravated by the burden placed on the deceased’s mother of having to take care of the deceased’s children.
5. Contrary to the deceased’s mitigation, the presentencing report also indicate that the accused is unmarried, and has no children, and therefore it is apparent that he is not being truthful when he pleads with the court to be given a chance to go back and take care of his nuclear family.



6. Remorse, and being a first offender, are mitigating factors. while the fact that the accused attacked other people in the process is an aggravating factor.
7. Taking all the aforesaid into consideration, I hereby sentence the accused to 15 years in prison. The sentence will run from June 22, 2018, being the date when he was placed in custody.
8. Right of Appeal- 14days.

DATED SIGNED AND DELIVERED AT KAKAMEGA THIS 19TH DAY OF DECEMBER 2023.

S. CHIRCHIR

JUDGE

In the presence of:

Ms. Oso for DPP

Accused: present

