



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**(CORAM: CHERERE- J.)**

**MISC. CR. APPL. NO. E013 OF 2021**

**BETWEEN**

**HARO GUFFU JILLO.....APPLICANT**

**AND**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

1) On 07<sup>th</sup> July, 2011, Applicant was sentenced to suffer death for the offence of murder. His appeal to the Court of Appeal vide **Haro Guffu Jillo v Republic [2014] eKLR** was dismissed on 30<sup>th</sup> April, 2014.

2) Applicant prays for resentence on the ground that he is remorseful and has been in incarceration for 15 years.

3) The state through Ms.Mwaniki, learned counsel for the state submitted that the sentence imposed on the Applicant is constitutional and urged the court to uphold it.

4) Whereas the Supreme Court decision in **Francis Kariuki Muruatetu & Another v Republic & 5 others [2016] eKLR** declaring the mandatory death sentence unconstitutional has necessitated resentencing of all persons previously sentenced to the mandatory minimum and maximum sentences, death remains a lawful sentence for murder.

5) I have considered that the offence herein involved indiscriminate murder of three innocent children and find that the Applicant is undeserving of an order to reduce his sentence.

6) Application for resentence is thus dismissed.

**DELIVERED AT MERU THIS 04<sup>TH</sup> DAY OF APRIL 2022**

**WAMAE. T. W. CHERERE**

**JUDGE**

**In the presence of-**

**Court Assistant      Kinoti**

**Applicant      - Present**

**For the State      - Ms. Mwaniki**