



**State v Oloo (Criminal Case E027 of 2021) [2022] KEHC 12869 (KLR) (30 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 12869 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E027 OF 2021**

**RE ABURILI, J**

**JUNE 30, 2022**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**DANIEL MWEMBE OLOO ..... ACCUSED**

**RULING**

1. The accused Daniel Mwembe Oloo is convicted for the murder of Jacklyne Akinyi Owiti. He has mitigated pleading that the court exercises leniency on him and gives him non-custodial sentence to achieve his dreams and care for his child.
2. The mother to the deceased has testified how she lost her only child Jacklyne. She had cried before the court, seeking for justice.
3. I have considered the circumstances under which the offence was committed and the mitigations and the victim impact statement. Only the accused knows why he unlawfully killed the deceased who was a young lady and his girlfriend. She left behind a baby who has lost motherly love. Her mother too has lost her only child. The accused is said to be 21 years old and had dreams.
4. This court has observed his very deceptive demeanor and finds him to be a very dangerous young person who pretends to be innocent. He cannot claim to have dreams when he has shattered dreams of a young life of Jacklyne and deprived her child the love of a mother. He also deprived Jacklyne's mother of her only child. Live and let live. The accused does not deserve leniency from the court because he is not remorseful and only thinks about his own life. He is selfish. No person has any right to deprive of another life which is God given.
5. Punishment for murder is death. However, as this is not mandatory anymore following the *Francis Muruatetu vs Republic* [2017] eKLR decision by the Supreme court, and considering the age of the accused person, I hereby exercise discretion and sentence the convict Daniel Oloo to serve fifty (50) years in prison to be calculated from the date of his arrest on 24/8/2021.



6. Right of appeal to the Court of Appeal is hereby explained, within 14 days of today.
7. I so order.
8. File closed.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT SIAYA THIS 30TH DAY OF JUNE,  
2022**

**R.E. ABURILI  
JUDGE**

