

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL CASE NO. 20 OF 2017

EVERLYNE AWINO ONYANGO.....1ST ACCUSED

ALBERT OTIENO OKWARO2ND ACCUSED

PETER OTIENO OYUGI..... 3RD ACCUSED

VERSUS

STATEPROSECUTION

RULING ON SENTENCE

1. On 30.11.2020 this court found the accused person herein **Peter Otieno Oyugi** guilty of the offence of Murder as charged and reserved sentence after mitigation and Victim Impact Statement. The Probation Officer did not note the file for Presentence Report but the deceased's family comprising her parents and brothers are in court and have given their expressions for loss of their dear daughter.

2. I have considered the touchy mitigations and the Victim Impact Statements by the deceased's family. The accused is a first offender and a family man. He is also the breadwinner for his family and has been in custody since 2017. However, the deceased too had a family which is still mourning her torturous murder. She left behind dependent children, a husband and her old parents and siblings who relied on her for a living. She was a High School teacher with high prospects. Her relatives are pained and affected by the death.

3. No person has any right to take away the life of another person except by Law provided.

4. Punishment for murder is death. The deceased did not deserve to die such a brutal death. To date, this court has not been told why she was butchered and tortured to death. Only the murderers who took away her life know why they murdered her. No amount of punishment can bring her life back.

5. Exercising discretion in sentencing, I hereby sentence the accused person Peter Otieno Oyugi to serve thirty five (35) years in prison for the Murder of **Carolyn Adhiambo Odiga**. The sentence shall run from the date of arrest of the accused person on 5/9/2017 and the time spent in prison remand custody being taken into account.

6. Right of Appeal explained.

7. Orders accordingly.

Dated, Signed and Delivered at Siaya This 19TH Day of January, 2021

R.E. ABURILI

JUDGE