



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO.15 OF 2020 (MURDER)**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**JARED ONYONI MAINA.....ACCUSED**

**RULING - SENTENCING**

1. **Jared Onyoni Maina** (the accused) was charged with the offence of murder on the 30/4/2020. The charge was later reduced to manslaughter on the 6/10/2020. The particulars of the offence are that on the 12/4/2020 at Bomachoge village Nyatike Sub-location in Gucha South Sub-county within Kisii County the accused person Jared Onyoni Maina unlawfully caused the death of **Teresa Nyansiaboka Maina**. The accused person plead guilty to the offence of manslaughter
2. The facts leading to the death of the deceased are noted. I have considered that the accused person is a first offender. The maximum sentence for manslaughter is life imprisonment.
3. The accused in mitigation states that; he is remorseful and claims that he was drunk when he did the act and that he has promise to stop drinking alcohol.
4. The court sought a pre-sentence report before sentence. The accused as per the report is 39 years old, he is a first offender he is aged 39 years old, he is family man and sole bread winner and a father of three children who are school going. He is remorseful and claims that he was drunk when he did the act and that he has promised to stop drinking alcohol. He is the only surviving child to the deceased mother.
5. In mitigation his counsel Mr. Kimaiyo relied on the pre-sentence report and sought a non-custodial sentence.
6. The sentence for manslaughter is life imprisonment. In sentencing the accused, I have taken into account the facts and circumstances surrounding the death of the deceased who was his mother. I have also considered the sentencing guidelines, the fact that the accused is a first offender, his mitigation and recommendation by the probation officer.
7. Bearing in mind all the above I find that. The accused **Jared Onyoni Maina** is therefore sentenced to ten (10) years imprisonment. He has a right of appeal within 14 days.

**DATED, SIGNED AND DELIVERED AT KISII THIS 25<sup>TH</sup> DAY OF MARCH, 2021**

**R.E. OUGO**

**JUDGE**

**In the presence of;**

**Mr. Kaba h/b Mr. Kimaiyo For Accused person**

**Accused Present –in Person**

**Mr. Otieno Senior Prosecution Counsel Office of the DPP**

**Ms. Rael Court Assistant**