



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT VOI**

**CRIMINAL CASE NO. 5 OF 2019**

**REPUBLIC.....DPP**

**VERSUS**

**JACKSON NDEGWA KISIMA alias REDMAN.....ACCUSED**

**R U L I N G**

1. The matter herein comes up for ruling as sentencing following accused persons plea of guilty for the offence of Manslaughter which was brought against him after plea bargain.
2. The accused was said to be a 1<sup>st</sup> offender. In mitigation the accused advocate Mr. Mwanumba said the accused was a young man with young family and that he was remorseful and court should exercise mercy and leniency.
3. The accused advocate said the accused had enough punishment in remand and should be given a term of 5 years. This court called for a victim impact statement which was filed on 8<sup>th</sup> March 2021 and from it, it is clear that the parents of the deceased are still at pains to come to terms with the death of their son in the hands of the accused whom they raised following the death of his father the brother to deceased father. They are not ready for any compensation as no amount of money can retribute the death of their son.
4. This court has considered the facts of this case and the fact that the accused led the deceased to his death and even when the deceased send a text message and called his friend telling them accused was going to kill him he didn't not backtrack from his evil intention. The reason for killing the deceased a 24 years old young man who had hardly started living as an independent adult is most bizzare.
5. Although the accused pleaded guilty to the offence of manslaughter and saved court's time the resolve and manner in which he carried out the murder was so beastly and not expected of a normal human being and he therefore deserves to be punished.
6. I do find that imprisonment for 15 years will be sufficient considering life imprisonment is provided for the offence of Manslaughter. The sentence will however take effect from 29<sup>th</sup> May 2019 when he was 1<sup>st</sup> arraigned in court.
7. The accused has a right of Appeal on sentence within 14 days.

**DATED, SIGNED AND DELIVERED AT MOMBASA THIS 19<sup>TH</sup> DAY OF MARCH 2021.**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**