



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

CRIMINAL DIVISION

CASE NUMBER: HC.CR.C/60/2018

REPUBLIC..... PROSECUTOR

VS

TITUS MULI MUNYAO..... ACCUSED

RULING ON SENTENCE

1. In considering the appropriate sentence in this matter, I have considered the following factors:

- a) *Initially the accused was charged with the offence of murder. It was reduced to manslaughter following the plea bargaining agreement executed by the parties;*
- b) *The accused has pleaded guilty and therefore did not take the parties and the court through a long process of hearing of the matter. Thus saving a lot of resources: time and expenses associated therewith;*
- c) *The accused is a first offender following a confirmation that, he has no previous records of conviction;*
- d) *The accused's mitigation, in a nutshell, that he is remorseful, has acquired training and certification thereof; as such he is skilled and ready to serve the nation. He is unwell and on treatment.*
- e) *The period the accused has been in custody since arrest on; 16th November 2018 and subsequent appearance in court on 26th November 2018;*
- f) *The sentiments of the Prosecutor on the sentence that; the victim was young at age twenty (23) years, with two children left who have been left motherly love and care. Further, the deceased's family is still bitter with the death and the accused is also deemed as a threat to the deceased's family;*
- g) *The content of pre-sentence report presented by the probation office;*
- h) *The sentence provided for the offence being; imprisonment for life.*

2. In addition, I note the following from the facts read to the court, that, the accused stage managed the death as a suicide incident and even forged a suicide note, purportedly written by the deceased and proved otherwise by the forensic examination.

3. In the given circumstance, I find and hold that, the accused deserves a deterrence sentence, especially in view of finding by the Probation Officer, that, he is not genuinely remorseful and is at a "high risk" of re-offending. The Probation Officer does not recommend a non-custodial sentence.

4. Therefore, though I take note the tender age of the accused and the fact that, he should not be subjected to incarceration and/or prolonged long custodial sentence, his attitude towards the crime betrays him.

5. In that regard, taking into account the aforesaid, I sentence the accused to serve a custodial sentence of; twenty-five (25) years imprisonment with effect from the 26th November 2015. The accused has a right of appeal within 14 days from the date of this order or sentence.

It is so ordered.

DATED AND DELIVERED VIRTUALLY AND SIGNED ON THIS 28TH DAY OF APRIL 2021

GRACE L. NZIOKA

JUDGE

In the presence of: -

Ms Akunja/Ms Ogweno for the State/Republic

Ms Ajiambo for accused

Edwin- Court Assistant