

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HIGH COURT CRIMINAL CASE NO. 55 OF 2014

REPUBLICPROSECUTOR

VERSUS

JOHN LOKOMOIACCUSED

SENTENCE

1. After the conviction imposed upon the deceased by a judgment dated the 16/12/2020, the sentence was reserved to await a report by the Probation Office on the social circumstances of the accused as well as a victim impact report and mitigation. The probation Officer did file two reports that touches on recommended sentence as well as the victim impact assessment. The reports go into great length in putting the accused in the light of the society is he likely to enter in the event he is given a non-custodial sentence.

2. I have had the benefit of reading the reports, given regard to the circumstances which the offence was committed and the accused own social circumstances including the fact that he has lost both parents and has a young family to support.

3. I have equally taken into account the principle of the sentencing policy that maximum sentence need not be meted out to a first offender^[1] while bearing in mind that the overriding object of sentencing in criminal prosecution is to protect the society from harmful acts established against the accused but without losing the sight of the need for rehabilitation and assisting the accused, even as a convict, to be a responsible member of the society.

4. I have in addition taken into account the fact that no aggravating facts have been reveal to the court during and after the trial to disentitle the accused to leniency from the court. I note that both reports on victim impact and assessment and social circumstances of the accused reveal that there is no danger of conflict between him and the deceased family on the basis that both families are separated by great physical distance between Nandi and Isiolo Counties.

5. Having taken into account the two reports, the gravity of the offence and sentence provided by the statute for the offence the accused has been convicted and being aware of the objective goals of Criminal Justice system, I chose to deemphasize imprisonment and emphasise the rehabilitation and reintegration of the accused into society so that he is useful to his immediate family and the community he lives in. I find that a non -custodial sentence would be the appropriate sentence in this matter.

6. Taking into account the age of the accused and his social circumstances, I would have imposed a jail sentence of 15 years but having taken into account the period the prosecution has lasted, I do convict the accused to a probation for a period of 3 years.

7. As the Probation Officer, Catherine K. Alongo, the County Probation Officer, Meru, commits in her report dated 19/4/2020, she shall regularly work with the accused to help him integrate and rehabilitate back into society to be a responsible and useful Kenyan.

Dated, signed, and delivered at Meru, **Virtually, via Microsoft Teams** on this 21st day of May 2021.

Patrick J O Otieno

Judge

^[1] Otieno Vs Republic (1983) eKLR