

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 21 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

SAMWEL KIMATHI.....ACCUSED

SENTENCE

1. There was a plea agreement dated 21/11/2019 and filed in court on 10/3/2021 which agreement came before court for adoption and upon adoption a plea of guilt was entered against the accused for the offence of manslaughter.
2. Pursuant to that plea of guilty having been entered the court directed that a pre-sentencing report be filed by the probation officer prior to mitigation and sentencing.
3. The pre-sentence report was filed on 11/6/2021 but dated 07/12/2020. My reading of the report reveal that the accused stepson to the deceased is considered an outsider to the family of the deceased, who killed the deceased in order to inherit his property and the immediate family members have threatened retaliation if he is released to the community by an open sentence.
4. I have taken into account that report and the mitigation offered by Miss Thuo advocate, on behalf of the record including the fact that he was the sole bread winner of a young family, but also noted that the accused's wife has since deserted and is reported to be married elsewhere.
5. In those circumstances and being aware of the objection of sentencing in Criminal justice system being cognizant of the gravity of the offence for which the accused has been convicted and the safety of the accused person I do impose a prison sentence of 20 years to commence from the date he was arrested being 3/4/2020.

Dated, signed and delivered at Meru Virtually by Ms teams this 22nd day of June 2021.

Patrick J O Otieno

Judge