

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HIGH COURT CRIMINAL CASE NO 61 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

PAUL NTEERE.....ACCUSED

SENTENCE

1. There was a plea agreement dated 28/6/2021 and filed in court on even date, which agreement came before court for adoption, was adopted, followed by a plea of guilt by the accused for the offence of manslaughter and a conviction upon such plea.
2. Pursuant to that plea of guilty having been entered, the court called for a pre-sentencing and a victim impact statement reports to be filed by the probation officer prior to mitigation and sentencing.
3. The pre-sentence report and victim impact report filed on 22/9/2021 reveal that the deceased family as well as the community are extremely bitter, traumatised and object to the accused being given a non- custodial sentence. On the other hand, the accused family is open to having him back home, as they feel he is a hardworking and a good person. What emerges from the two reports is that, the community and the family of the deceased are still very saddened by what happened to their good kin and a teacher to their children. The child to the deceased was not only robbed of his mother, when he was only 3 years old, but also lost his unborn sibling.
4. I have taken into account those reports and the mitigation offered by Mr. Mutuma, on behalf of the accused including the fears expressed by Mr. Maina for the prosecution.
5. Drawing guidance from the objectives of sentencing in Criminal justice system, and being cognizant of the gravity of the offence for which the accused has been convicted and his safety, I find that it one cannot guarantee the acceptance and safety of the accused if granted a non-custodial sentence. I do sentence him to serve a prison term of 10 years to commence from the date he was arrested, being 18/7/2018.

DATED, SIGNED AND DELIVERED AT MERU VIRTUALLY VIA MS TEAMS THIS 30TH DAY OF SEPTEMBER, 2021

PATRICK J.O OTIENO

JUDGE

In presence of

Mr. Maina for the state

Mr. Mutuma for the defence

Patrick J.O Otieno

Judge