



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HIGH COURT CRIMINAL CASE NO. 115 OF 2017**

**(FORMERLY MACHAKOS HCCRC 11 OF 2014)**

**REPUBLIC.....PROSECUTION**

**-VERSUS-**

**FREDRICK MAKAU KASIYA.....ACCUSED**

**RULING**

1. **Fredrick Makau Kasiya** the accused herein, was charged and convicted of murder contrary to section 203 as read with section 204 of the Penal Code.
2. The court called for a pre-sentencing report, which has been filed. The accused and deceased were step brothers and lived on the same compound. Accused's conduct had led to his own mother and sisters re-locating from the home.
3. The report shows that the accused used to abuse drugs and steal from his mother. He even once robbed his own mother. He therefore exhibits a violent behavior.
4. The family, administration and community are not ready to have him back home for now.
5. I do not therefore find him to be a suitable candidate for a non-custodial sentence. He has been in custody since 25<sup>th</sup> February 2014 which is six (6) years and four (4) months.
6. I have considered the circumstances of the case, the period he has been in custody plus the pre-sentencing report and this being a first offender. I hereby sentence him to six (6) years imprisonment.

Orders accordingly.

**Delivered, signed & dated this 26<sup>th</sup> day of June 2020, in open court at Makueni.**

.....

**H. I. Ong'udi**

**Judge**