



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**CRIMINAL CASE NO.22 OF 2019**

**REPUBLIC.....STATE**

**VERSUS**

**ROBINSON LESHAN.....1<sup>ST</sup> ACCUSED**

**BERNARD NYAKUNDI MUCHERE.....2<sup>ND</sup> ACCUSED**

**SENTENCING**

I have considered the mitigation raised by counsel for the accused persons, **Robinson Leshan** and **Bernard Nyakundi Muchere** together with the pre-sentence reports. The reports are not favourable however I do note that they are 1<sup>st</sup> offenders. I have considered the principles that govern sentencing:

The victim's wife is quite bitter. She lost a husband and has undergone through a lot since he died.

The charge of murder has a penalty of death. Bearing in mind the current jurisdiction by the Supreme Court on the death sentence, together with the period the accused persons have been in remand and the circumstances under which the deceased met his death I sentence each accused person to 20 years imprisonment. Each accused person has a right of appeal within 14 days.

**Dated, signed and delivered at KISII this 18<sup>th</sup> day of December 2020.**

**R.E. OUGO**

**JUDGE**

In the presence of;

Mr. Nyakundi Present for Accused persons

Mr. Otieno Senior Prosecution Counsel Office of the DPP

Ms. Rael Court Assistant