

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MIGORI

[CORAM: MRIMA, J.]

CONST. CRIMINAL PETITION NO. 31 OF 2018

SAMUEL MWERA MUGINI.....PETITIONER

-VERSUS-

REPUBLIC.....STATE

SENTENCE

1. The Petitioner was charged, tried and convicted of several counts of robbery with violence. He was sentenced to suffer death on 27/06/2011.
2. The Petitioner filed this Petition against the death sentence. The Petitioner was allowed. He was ordered to be re-sentenced.
3. In urging this Court to exercise leniency on him, the Petitioner filed written submissions. He pointed out that he had been in prison for 10 years. He also stated that he was aged 57 years old. He left behind a family.
4. The State prayed for a stiffer sentence in view of the number of counts the Petitioner was charged with. This Court was also urged to note that the Petitioner was among a gang of robbers who were armed with guns and terrorized members of public for long. The gang even shot and killed a person in the course of the robberies.
5. A Pre-Sentence Report was availed. I have considered the contents of the Pre-Sentence Report and its recommendation.
6. I have considered this matter carefully. The circumstances under which the Petitioner committed the offences were well captured in the judgments of the lower court and the Superior Courts. I agree with the State and the recommendation in the Pre-Sentence Report that the Petitioner posed a great danger to public good. In such a case there is need for a sentence which is not only deterrent but also places the Petitioner away from the society for a good period.
7. Considering the age of the Petitioner and guided by the Sentencing Guidelines, the Pre-Sentence Report and the record I hereby sentence the Petitioner to **35 (Thirty Five)** years' imprisonment. The sentence shall run from the date the Petitioner was sentenced before the trial court, that is 27/06/2011.

It is so ordered.

DELIVERED, DATED and SIGNED at MIGORI this 30th day of October 2019.

A. C. MRIMA

JUDGE