

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 59 OF 2011

REPUBLIC..... PROSECUTOR

VERSUS

MICHAEL MUKHWANA ANYANGO..... ACCUSED

SENTENCE

1. Michael Mukhwana Anyango (the accused) was tried for the murder of his wife one Naomi Mwikali Mweru. After trial the court found him guilty of the lesser offence of manslaughter and convicted him accordingly.

2. In mitigation Mr. Nyaberi for the accused submitted that the accused was of humble background and had dropped out of school in class six. That prior to his arrest, he supported his family of 3 siblings and ageing parents through earnings from casual jobs. Counsel further submitted that the accused had made a plea offer of manslaughter to the State way back in 2012 but which offer was rejected by the State. That during the pre-trial custody the accused had undergone Christian transformation and had attended several courses. That he admits having been an alcoholic which habit had caused him to be violent which in turn led to the death of his wife. Counsel prayed that the accused be given a chance to be a peer ambassador against alcohol and drug abuse through a non-custodial sentence. On his part, **Mr. Okeyo** for the prosecution asked the court to treat the accused as a first offender.

3. The court called for and received a pre-sentence report. The report shows that the accused and the victim had a marriage characterized by drug and alcohol abuse and domestic violence. That both the accused and the deceased had had erratic adolescent behavior. For the accused the report state that he was remorseful and had changed after becoming a Christian while in custody.

4. I have considered the mitigation, the probation report and the purposes of sentencing. I have also considered the circumstances of the offence and the period that the accused has been in pre-trial custody for five years and the fact that he had sought a plea offer prior to the trial. I sentence the accused to serve 6 years in prison. This in my view is lenient considering that the sentence for manslaughter is life imprisonment.

Sentence delivered and dated at Nairobi this 30th day of January. 2017

R.LAGAT-KORIR

JUDGE

In the presence of:

.....: Accused

.....: Court clerk

.....: For the Accused

.....: For State