

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

CRIMINAL CASE NO. 49 OF 2014

(Consolidated with Kisii High Court Criminal Case No. 135 of 2013)

REPUBLIC.....PROSECUTOR

-VERSUS-

- 1. RONALD OPIYO AYODO alias RONNY**
- 2. DISMAS WASONGA MITA ODODA**
- 3. STEPHEN OKUMU AYODO.....ACCUSED**

RULING

1. On 30/12/2013, the first and second accused persons herein were charged with the murder of one **MWITA MOSOBA SAMSON** before the High Court in Kisii in Criminal Case No. 135 of 2013. The third accused person was later arrested and charged in this case with the murder of **MWITA MOSOBA SAMSON** as well. The two cases were consolidated and a joint information was substituted. Fresh plea was taken before this Court on 21/11/2014.
2. The accused persons denied the charge and thereafter the case was set for hearing. The prosecution called a total of nine witnesses in its bid to prove the charge against the accused persons.
3. This Court has carefully perused the record and the evidence tendered and the written submissions by the Defence Counsels and is satisfied that the prosecution has established a *prima-facie* case against each of the accused persons.
4. Consequently, the accused persons herein are hereby put on their defenses. **Section 306(2)** of the **Criminal Procedure Code** duly complied with.

DELIVERED, DATED and SIGNED at MIGORI this 31st day of July 2017.

A.C. MRIMA

JUDGE