

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 6 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

DERICK MAKORI SIMION.....ACCUSED

SENTENCE

1. The accused herein **DERRICK MAKORI SIMON** was on 15th July 2015 convicted of Murder after a plea bargain agreement.

The particulars of the charge were that on 1st January 2014 at Riangabi Sub-location in Kisii District within Kisii County in the Republic of Kenya, unlawfully caused the death of **GILSHOM KARUMBE MOGOA**.

2. The incident took place after the deceased and the accused had engaged in a verbal exchange that ended in the accused hacking the deceased on the neck and killing him on the spot.

3. In mitigation, Mr. Okenye counsel for the accused submitted that the accused was a fairly young man with a young family and that he was very remorseful for the offence.

4. The Probation Officer's pre-sentencing report filed on 5th October 2015 showed that the accused and the deceased were first cousins and that he was eligible for a non-custodial sentence since his family and community were ready to accept him back to their midst.

5. After taking due consideration of all the above factors. I find that the accused is suitable for a non custodial sentence and hereby sentence him to 2 years probation. He will during the probation period be under the supervision of the Probation Officer of his area.

6. It is so ordered.

Dated, signed and delivered in open court this 17TH day of November, 2015

HON. W. OKWANY

JUDGE

In the presence of:

- M/S Mbelete for the State
- M/S Okenye for the Accused
- Mr. Ogega: court clerk