

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 53 OF 2013

LESIIT, J

REPUBLIC.....PROSECUTION

VERSUS

PETER KINYANJUI KAMAU.....ACCUSED

RULING ON SENTENCE

1. The accused person has been convicted for **murder** contrary to **section 203** of the **Penal Code**.

The sentence for murder is provided under **section 204** of the **Penal Code** as follows:

“204. Any person convicted of murder shall be sentenced to death.”

2. The Prosecution has treated the accused as a first offender as they did not have his previous record.

3. The accused asked his advocate not to give any mitigation on his behalf.

4. I have considered that the accused was arraigned in court on the 29th April, 2013 and since then he has remained in Remand Custody throughout his trial.

5. I have considered the circumstances of this offence. It is quite traumatic to deceased family. The deceased a young child of 7 years disappeared outside her home only to be found in accused hands by young men also traumatized. The accused conduct and manner in which he executed the murder reveals a person with animalistic behavior with no human heart. It is clear from the evidence that accused attempted to defile the deceased, then to drown her. The way he finally stabbed the deceased under water was heartless, traumatizing and heinous.

6. The law provides for death sentence for this offence.

7. The accused is sentenced to death.

8. He has a Right of Appeal against both the conviction and sentence.

DATED, SIGNED AND DELIVERED THIS 15TH DAY OF DECEMBER, 2016.

LESIIT, J

JUDGE