

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 79 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

PHOEBE BELDINE MITOWO.....ACCUSED

RULING

Phoebe Beldine Mitowo, the accused, is charged with murder contrary to section 203 read with section 204 of the Penal Code. The particulars of the charge read that on 1st October 2011 at Donholm Phase V Estate in Nairobi within Nairobi County she murdered Kevin Boschin Gisiora. In support of the prosecution case seven witnesses testified. After the prosecution closed its case this court must determine whether the evidence so far adduced establishes a prima facie case against the accused person to necessitate her being placed on her defence.

Without going into the details of what each witness told the court, I have examined and analyzed all the evidence and make a finding that the accused person has a case to answer. The evidence is sufficient to lead this court to call on the accused person to defend herself. She is hereby informed of her rights under section 306 (2) of the Criminal Procedure Code to address the court in the manner she intends to defend herself and whether she wishes to call any witnesses in her defence. I make orders accordingly.

Dated, signed and delivered this 29th day of June 2015.

S.N. Mutuku

Judge