

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.18 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

DANIEL OMWENO OKENYORU.....ACCUSED

SENTENCE

1. The accused herein **DANIEL OMWENO OKENYORU** was convicted of the offence of **Manslaughter** after a plea bargain agreement.
2. The deceased and the accused were father and son respectively and the incident occurred when the accused attacked his own father (*the deceased*) following a disagreement.
3. A detailed social enquiry report filed by the Probation Officer on 22nd September 2015 is not favourable to the accused as it reveals that the accused's immediate family members are strongly opposed to his being granted non-custodial sentence. The report goes further to state that there is still so much bitterness and hostility from the accused's family and community that he stand risk of being lynched if he went back to his home.
4. I take into account the fact that the accused harmed his own father over what appeared to be a normal family disagreement. The accused is however, still a fairly young man who can still reform and be useful to the society. He has been in custody for 2 ½ years awaiting his trial.
5. I sentence the accused to serve **7 years imprisonment**. The prison term shall run with effect from the date of his first court appearance being **27th February 2013**.
6. It is so ordered.

Dated, signed and delivered in open court this 26th day of October, 2015

HON. W. OKWANY

JUDGE

In the presence of:

Mr. Boiyon for the State

Mr. Bigogo for Momanyi for Accused

Omuga: court clerk