



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO 63 OF 2011

REPUBLICRESPONDENT

=VERSUS=

E M OACCUSED

SENTENCING

The accused person, E M O pleaded to a lesser offence of manslaughter, contrary to *s.202 as read with 205* process of plea bargaining entered into on 14/07/2015

The particulars of the offence are that on the 14th day of July 2011 at [particulars withheld]] in Nyamira County within the Republic of Kenya, caused the death of Richard Obadis.

The Court called for the probation report to facilitate the sentencing process. The said report was filed on 16th October 2015.

The accused is a young man aged 32 years, married but separated, has two children. He has many siblings.

The victims family-the mother of the deceased and desires peace 'and harmony and does not oppose a non-custodial sentence.

The accused person's family are willing to support the accused person integration in the family. The death was not planned. It was an accident. He was involved in alcohol abuse which would make him violent and must have influenced the commission of the current offence.

The community thinks that it is the abuse of alcohol that has generated his violence. Therefore they are optimistic and don't consider him a threat to general peace. They think the time his spent in custody, about 4 years-he has sufficient lesson.

The accused seeks leniency. He is treated as a first offender.

Accordingly, this court takes into account that the accused has been in custody for now four (4) years.

This Court will sentence the accused to three (3) years non-custodial sentence to be supervised by the Probation Officer of the area.

It so ordered.

Dated and delivered at Nyamira this 13th day of November, 2015.

C.B.NAGILLAH

JUDGE

In the presence of:-

Ochoki, Nyamwange hold brief for accused person

Malesi for the State

Mercy -Court Clerk