



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL CASE NO.15 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

SUSAN WANJIRU NYAMBURA.....ACCUSED

SENTENCING

The accused, Susan Wanjiru Nyambura was initially charged with murder contrary to section 203 as read with section 204 of the Penal Code. Before his trial commenced however, she entered into a plea agreement with the office of the Director of Public Prosecution wherein the State reduced the charge to one of manslaughter. The plea agreement between the parties was filed in court on 28th October 2013. The same was accepted by the court after satisfying itself on the mandatory requirements of Section 137 of the Criminal Procedure Code. The accused was subsequently charged with manslaughter contrary section 202 as read with section 205 of the Penal Code. She pleaded guilty and was convicted on her own guilty plea on 21st November 2013.

The brief facts of the case as stated by the prosecuting counsel are that the accused and the deceased who lived as husband and wife engaged in a violent confrontation in their house at Muthirithia, Mwiki Township in Nairobi County on 24th February 2012. The genesis of the fight is said to have been a quarrel over a sim card. The accused stabbed the deceased on the chest with a knife causing him fatal injuries to which he succumbed shortly thereafter. The accused unequivocally accepted the facts as stated and was convicted on her own guilty plea.

In mitigation, **Ms. Abon'go** for the accused told the court that the accused was remorseful and deeply regretted the incident; and was traumatized by the loss of her husband with whom they looked forward to a bright future together. She submitted that the actions of the accused in trying to save the deceased's life showed that she had no intention of harming the deceased. Counsel further submitted that the accused apologizes to the deceased's family. She pleaded with the court to hand her a non-custodial sentence to enable her rebuild her life.

Before sentencing the accused, I called for and received a probation officer's report. I have considered the circumstances of the case as well as the probation report. I have formed the opinion that the accused is not fit for a non-custodial sentence. After taking into consideration the plea agreement and the time she has already spent in custody, I sentence her to serve four years imprisonment.

Sentence delivered at Nairobi this 26th day of February, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: **Court clerk**

.....: **Accused**

.....: **For the accused**

.....: **For the State**