

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 9 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

STEPHEN KIPRONO TONUI alias PASTOR..... ACCUSED

SENTENCE

STEPHEN KIPRONO TONUI *alias* **Pastor** pleaded guilty to the lesser charge of manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** pursuant to the plea agreement dated 28/05/2014 instead of undergoing a trial for the offence of murder. The particulars of the offence are that on 24th February 2012 at Kabitungu Village in Bureti District of Kericho County the accused killed **EDNA CHEPKEMOI**.

This court invited the representative of the office of the Director of Public Prosecutions and the Defence Counsel to make their submissions. This court further requested for a Probation Report to be filed before pronouncing the appropriate sentence. Miss. Kivali, learned Prosecution Counsel urged this court to treat the accused as a first offender since the prosecution did not have the accused's past criminal record. Mr. Kirui, learned advocate for the accused beseeched this court to be lenient to the accused by pronouncing a non-custodial sentence. This court was informed that the accused is very remorseful and that he regrets having killed his wife who left behind three young children. Those children are all in nursery school save for the first born who is now in Class II. Mr. Kirui further informed this court that the process of reconciliation, compensation and reintegration under the Kipsigis Customs and rites has begun. In the pre-bail report, the Probation Officer, Kericho County, indicated in his report that the accused who is aged 31 years was a well respected member of the community. The Probation Report further shows that the customary cleansing can only be complete when the accused is out. This assertion has now been confirmed that the accused was released on bond pending trial. I have carefully considered all the relevant factors. There is no doubt that the accused is a first offender and he is remorseful. The accused's family and that of the victim appear to have reconciled and forgiven the accused. The home environment is therefore receptive and conducive for the accused's process of reintegration. I am convinced that the most appropriate sentence should be non-custodial. This will enable the accused to give parental guidance and support to the young children who were left under the care of the accused's sickly mother. The accused is hereby ordered set free to serve three years probation under the supervision of the Probation Officer, Kericho County.

Dated, Signed and delivered in open court this 24th day of July, 2014.

J.K.SERGON

JUDGE

In the presence of

Miss. Kivali for the Office of Director of Public Prosecutions

N/A Kirui for Accused