

REPUBLIC OF KENYA

High Court at Kakamega

Criminal Case 8 of 2005

REPUBLIC PROSECUTOR

V E R S U S

JACKTON KONGO SIMIYU ACCUSED

S E N T E N C E

The accused person was convicted of the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The punishment for murder under our laws is death sentence. I am alive to the decision of the Court of Appeal that outlawed the death sentence for being inhuman and degrading.

The deceased herein was the accused's step brother. The death was brutal and uncalled for. The accused has been in remand since 2005. Counsel for the accused opted not to mitigate and left the court to pass sentence. Taking the circumstances of the case, I do sentence the accused to serve **Twenty (20)** years imprisonment.

Delivered, dated and signed at Kakamega this 7th day of February, 2013.

**SAID J. CHITEMBWE
J U D G E**