



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**Criminal Case 18 of 2009**

**SAMUEL ODHIAMBO ODONGO alias WESONGA .....ACCUSED**

**VERSUS**

**REPUBLIC .....APPELLANT**

**RULING ON SENTENCE**

I have heard the appellant's submissions on sentence. He is a family young person with a young family. However the action of arming himself and killing the deceased was unwarranted and unprovoked. There was no apparent reason at all.

It is now well settled that death penalty in which the accused person deserved is no longer the only appropriate punishment. The alternative is custodial or non custodial sentence.

Taking the circumstances of this case including the accused's mitigation as well as that of prosecutions. I shall sentence the accused to serve twenty five (25) years custodial sentence from the date of this Ruling.

**Dated, signed and delivered at Kisumu this 25<sup>th</sup> day of July 2012**

**H. K. CHEMITEI**  
**JUDGE**

**In the presence of:**

.....State Counsel

.....Appellant

*HKC/aao*