



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kusia (Criminal Case 45 of 2019)
[2025] KEHC 10260 (KLR) (Crim) (15 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 10260 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CRIMINAL

CRIMINAL CASE 45 OF 2019

K KIMONDO, J

JULY 15, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

LOICE WANJIRU KUSIA ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 7th December 2022 before Bwonwonga J. Following the retirement of the learned judge, the task to sentence the accused has now fallen on my shoulders.
2. The accused was the wife of Paul Masete (hereafter the deceased). On the night of 2nd July 2019 the couple had an ugly argument in their house. There was a pot of boiling water on a stove. As the accused picked it to pour it into a thermos, the deceased pushed her. She then picked the burning stove and threw it at the deceased. She scrambled out with her young son, locked the door from outside with a padlock and left the deceased to burn. A number of houses caught fire in the process.
3. Neighbours finally broke the door, summoned an ambulance, fire engine and rushed the deceased to Kenyatta National Hospital. According to the Post Mortem Report prepared by Dr. Midia, the deceased died from complications arising from the “61% total body surface area 3rd and 2nd degree burns” . I find that the conclusion is consistent with the facts read out at the trial and now admitted by the accused.
4. Learned prosecution counsel, Ms. Kigira, prayed for a deterrent custodial sentence. She urged the court to consider the gruesome act and the impact of the offence on the victim’s family as well as neighbours who lost property in the fire.



5. There is then the mitigation tendered on behalf of the accused by his learned counsel, Mr. Opolo. He submitted that the accused is very remorseful, is a first offender and aged about 45 years. She has been in custody for about 6 years and attended various courses in prison as per the certificates filed in court. She has three children and a grandchild who rely on her. Counsel stated that the accused has “reached out to the prosecution and victim’s family” and deserves leniency.
6. I have also studied the pre-sentencing report under the hand of Mercy Kanyangi, Probation Officer. It recommends that “given her positive attitude and remorse, and the best interest of her children, she can be placed on probation”.
7. On the other hand, is the victim’s family. The deceased’s mother was affected by the news of the homicide, collapsed and is now bed-ridden. The deceased’s sister said the deceased was supporting them financially. She had to surrender their land as collateral to finance the deceased’s funeral, a loan that she can hardly service. The deceased’s father states that he has forgiven the accused and is open to her early release.
8. I have taken into account all the surrounding circumstances and the fact that the accused is a first offender. But I find her actions cold-hearted, callous and extreme. She threw a burning stove at the deceased, locked the door from outside with a padlock and left him to burn to death. She then picked up her toddler son and ran to an open ground to view the spectacle. The deceased suffered over 61% burns and died soon thereafter. Neighbouring houses and property were also lost in the fire.
9. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. Manslaughter is a grave felony and attracts a sentence of life imprisonment. The fact that the accused threw a burning stove at the deceased, locked the door from outside with a padlock and left him to burn as she watched from an open ground is a major aggravating factor. Her conduct also delayed the rescue efforts for the victim who died a painful death.
10. Despite the forgiveness from some of the victim’s family and the circumstances of her children, justice in this case can only be served by a long custodial sentence. It will also afford the accused an opportunity to further introspect and get full rehabilitation. I accordingly sentence the accused to serve twelve (12) years in jail. The sentence shall run from 2nd July 2019, the date when she was first arrested and placed in custody.
11. The accused has a right of appeal to the Court of Appeal within 14 days and as per the Rules of that Court but only on the sentence. A copy of the proceedings and sentence shall be supplied to her immediately.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15TH DAY OF JULY 2025.

KANYI KIMONDO

JUDGE

Sentence read virtually on Microsoft Teams in the presence of-

The accused.

Ms. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Opolo for the accused instructed by Okello Opolo & Company Advocates.

Mr. E. Ombuna, Court Assistant.

