



**Republic v Wayodi (Criminal Case (Murder) E013 of 2023)  
[2025] KEHC 10123 (KLR) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10123 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE (MURDER) E013 OF 2023**

**DK KEMEL, J**

**JULY 11, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**LAWRENCE ODUOR WAYODI ..... ACCUSED**

**RULING**

1. The accused herein Lawrence Oduor Wayodi has been charged with an offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars are that on the 12<sup>th</sup> day of April 2023 at Sirongo village in Kakumu Kombewa in Alego Usonga within Siaya County murdered one Erick Otieno.
2. The prosecution called a total of eight (8) witnesses in support of its case.
3. The prosecution's case is that on the material date the deceased was found lying outside his door having died. The Area Assistant Chief Phillip Ogolla Fara (PW2) was alerted by the village elder. He rushed there and found the deceased body next to the door. That he made inquiries and learnt that the brother of the deceased one Lawrence Wayodi (Accused) was the one who had killed him. Apparently, the said Lawrence Wayodi was within the vicinity. That he and the clan elder interrogated him and established that a quarrel had ensued between the accused and deceased over a certain kitchen knife which was in possession of the deceased. That in the process of the struggle the accused stabbed the deceased. That he saw the deceased had five (5) stab wounds in the stomach. That he called the OCS Siaya Police Station to rush to the scene. That the body was later collected and taken to Siaya County Referral Mortuary where an autopsy was later conducted by Dr. Okong'o Eric (PW3). The said doctor formed the opinion that the cause of death was severe hemorrhage secondary to spleen rupture. The scenes of crime officer CPL Simon Likonyi (PW4) took photographs of the body at the scene where there were blood stains on the kitchen floor and that he recovered a blood-stained kitchen knife. That he also saw that the deceased's cloths were blood stained. That he took 14 photographs in all which he presented them to court as



Exhibits. The matter was investigated by No. 258525 PC Victor Lagat (PW5) and who collected the exhibits recovered at the scene and later produced them in court. He later charged the accused. The specimens and exhibits were taken to the Government Chemist for analysis and which were handled by Polycap Lutta Kweyu (PW6) who formed the opinion that the DNA profiles generated from the exhibits namely kitchen knife (“A”), T-shirt (“B”), Jumper (“D”) and jeans trouser (“C”) were identical and matched the DNA profile of Eric Otieno Oduor (deceased). Further, the DNA profile of Lawrence Oduor Wayodi (accused) did not match with the DNA profiles aforesaid. He produced the analysis report and the exhibit memo. The accused was later taken before No. 236203 ASP Ole Kilua Patrick Johnson (PW7) where he recorded a confession over the murder of the deceased. The said confession was produced as Exhibit 9. Further, No. 256775 PC Langat Dominic (PW8) was one of the arresting officers who rushed to the scene on the date in question and found the body of the deceased lying in a pool of blood outside a certain kitchen. That they apprehended the accused and collected some exhibits which included blood stained clothes and a blood-stained kitchen knife which he produced in court as exhibits. The accused was later charged with the present offence.

4. I have considered the evidence presented by the prosecution at this stage of the proceedings as well as the submissions filed by the Prosecution dated 18<sup>th</sup> June, 2025. At the close of the prosecution’s case, this court has been called upon to establish whether the prosecution had established a prima facie case against the accused so as to warrant him to be called upon to make a defence. A prima facie case is one in which a reasonable tribunal directing its mind to the law and evidence placed before it can convict an accused person if no evidence to the contrary is advanced by the accused. See *Bhatt Vs. R* [1957] EA 132. Hence, the evidence adduced so far must be sufficient to sustain a conviction against the accused were he to elect to remain silent in defence.
5. Upon analyzing the evidence of the eight (8) witnesses lined up by the prosecution, I find that the evidence tendered squarely places the accused at the scene of crime. The evidence of PW1, PW2, PW5, PW8 clearly place the accused at the scene of crime. That being the position, I find that the accused must now offer an explanation as to how the deceased met his death.
6. In the result, it is my finding that the prosecution has made out a prima facie case against the accused to warrant him to be called upon to make a defence. Consequently, I find the accused herein Lawrence Oduor Wayodi has a case to answer and is now called upon to elect to conduct his defence in accordance with the provisions of Section 306 (2) of the *Criminal Procedure Code*.

**DATED AND DELIVERED AT SIAYA THIS 11<sup>TH</sup> DAY OF JULY, 2025.**

**D. KEMEI**

**JUDGE**

In the presence of:

Lawrence Oduor Wayodi.....Accused

M/s Akinyi.....for Accused

M/s Kerubo.....for Prosecution

Okumu.....Court Assistant

