

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MURANG'A

CRIMINAL CASE NO. 24 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

PHYLIS NJERI MUREITHI.....ACCUSED

SENTENCE

1. The accused pleaded guilty to the offence of *manslaughter* under a plea agreement recorded on 22nd September 2021. The offence is a serious felony that may attract a sentence of life imprisonment.
2. The facts here are truly tragic. The accused, like one possessed, killed her young son. I have considered the accused has a recurring psychiatric illness and has been on medication. This partly explains why the Republic accepted the plea bargain. But in all this the life of an innocent minor was lost.
3. I have paid heed to the mitigation tendered by her counsel, *Mr. Mwaniki Warima*. The accused is a first offender and is remorseful. She also requires to continue with her medication and to regularly see a consultant psychiatrist.
4. As a general rule, sentence *should be commensurate to the moral blameworthiness of the offender* but also guided by the *nature and gravity of crime*. Considering the special circumstances that I have outlined, I sentence the accused to *three (3) years* imprisonment. The sentence shall run from 21st June 2018, the date when she was first presented to court and remanded. In view of the period served, the accused shall now be set free forthwith unless otherwise lawfully held.
5. It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 23RD DAY OF SEPTEMBER 2021.

KANYI KIMONDO

JUDGE

Sentence read in open court in the presence of-

Accused.

Ms. A. Gakumu for the Republic.

Mr. S. Kirubi holding brief for Mr. Mwangi Ben for the accused.

Ms. Dorcas Waichuhi & Ms. Susan Waiganjo, Court Assistants.