



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 8 OF 2021 (MURDER)**

**CORAM: OUGO. J**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**WILLIAM ONURA OMANDI.....ACCUSED**

**RULING ON SENTENCING**

1. **WILLIAM ONURA OMANDI** was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. After a plea bargain the charge of murder was replaced with one of manslaughter contrary to section 202 as read with section 205 of the penal code on the 28<sup>th</sup> October 2021. The particulars of the offence are that, on the 15<sup>th</sup> January 2021 at Mwanyambariga village, Amkara sub-location in Etago sub- county, Kisii County within the Republic of Kenya unlawfully caused the death of Isabella Nyambeki Bichanga alias Edna Nyambeki Bichanga.

2. The accused person pleaded guilty to the charge of manslaughter and after a plea of guilty was entered the facts were read to him and he admitted the facts and this court convicted him on his own plea of guilty.

3. According to the facts the accused and the deceased were living as husband and wife. That on the 5/1/21 his son came home and found him assaulting the deceased with a stick and panga. The accused chased his son away when he asked his father why he was assaulting the deceased. His son spent the night at the uncle's place. On the 16/1/2021 his son and daughter found the body of the deceased in the accused's bedroom lying in a pool of blood with an open wound in the head. When the accused discovered that the children had found the body he warned them not to tell anyone. On the 21/1/21 his son found the body missing and informed his uncle. The police were called and the accused was arrested. The deceased's body was found in Nyangwete forest. The accused was later charged in court.

4. The accused is said to be a first offender. The pre-sentence reports states that; the accused is 51 years. He has six (6) children and a wife. He has 10 siblings and he is the 5<sup>th</sup> born. He is known to be high tempered drinks and abuses drugs. Home environment it is not conducive for his release and rehabilitation. His brother and an uncle when interviewed stated that he is a drunkard and abuses bhang. That he is highly temperamental and picks fights easily. As per the report the deceased was a wife to another man but had gone to the accused's home and gotten married as a second wife. The deceased's husband is not bitter with the accused. His uncles are bitter with him. The accused is said not to be remorseful. The accused was found not to be suitable for a non-custodial sentence and a custodial sentence was recommended. In mitigation counsel for the accused submitted that the accused has a young family and that he is remorseful

5. Under section 205 of the Penal Code any person who commits the felony of manslaughter is liable to imprisonment for life.

6. I have considered the sentencing guidelines, the facts of this case, his mitigation and the pre-sentence report. The accused caused the death of the deceased and thereafter disposed of her body in a forest. An innocent life was lost. His actions were unlawful and unjustified. I note that he is a first offender he has been in custody for about 10 months. A non-custodial sentence was recommended.

7. Considering all the above I sentence the accused **WILLIAM ONURA OMANDI** to fifteen (15) years imprisonment. He has a Right of Appeal within 14 days.

**DATED, SIGNED AND DELIVERED AT KISII THIS 15TH DAY OF NOVEMBER 2021.**

**R. E. OUGO**

**JUDGE**

**In the presence of:**

**William Onura Omandi** Accused

Ms. Gogi for the Accused Person

Mr. Kaino State Counsel ODDP

Ms Rael Court Assistant