REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MURANG'A

CRIMINAL CASE NO. 40 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

JOHN GATEMBU MWANGI.....ACCUSED

SENTENCE

1. The accused pleaded guilty to the offence of *manslaughter* under a plea agreement recorded on 6th December 2021. The offence is a grave felony that attracts life imprisonment.

2. The deceased was the elder brother to the accused. On the night of 22nd and 23rd October 2018, a squabble erupted between the two outside the deceased's house. It escalated into a fight. The accused left but returned later and dared the deceased to a fight. Another scuffle ensued. The accused stabbed the deceased with a sharp object and vanished into the night.

3. The deceased lost a lot of blood and died before he could reach the hospital. According to the post mortem report (exhibit 1), the cause of death was a *"penetrating sharp injury to the left lung"*.

4. I have paid heed to the mitigation tendered by the accused. He is a first offender and expressed remorse for his conduct. He is 38 and has a young family. He claims to have reformed during the three years in prison custody.

5. 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*. The dictates of justice in this case call for a custodial sentence. I sentence the accused to *ten (10) years* imprisonment. The sentence shall run from 5th November 2018, the date when he was first presented to court and placed in custody.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 9TH DAY OF DECEMBER 2021.

KANYI KIMONDO

JUDGE

Sentence read in open court in the presence of-

Accused.

Ms. Otieno for the Republic.

Ms. Mumbi Muritu for the accused.

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