



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL APPEAL NO. 13 OF 2020

(CORAM: R. E. ABURILI - J.)

STATE.....PROSECUTOR

VERSUS

DAVID ONYANGO OKELLO..... ACCUSED

SENTENCE

1. I have considered the mitigation by the accused person through his Counsel Mr. Ochanyo holding brief for Mr. Mirembe Advocate.
2. I have also considered the Probation – pre-sentence report, victim impact statement filed, the apology offered by the accused person which I have recorded from him and the fact that the deceased’s mother who is in Court has accepted the apology and is willing to live in peace with the accused person.
3. I have also considered the fact that the deceased died young and left young children who are being cared for by his mother.
4. I have also considered the circumstances under which the offence took place under extreme provocation, this being a crime of passion.
5. The Probation Officer recommends anger management and behavior change sessions among other interventions.
6. I do not lose sight of the fact that precious life was lost and that no other human being has any right to take away another’s life.
7. In the same vein, iam conscious that no amount of punishment can resurrect a life lost and a suffering family. ***I sentence the accused to serve probation for three 3 years from the date of his release from prison and to adhere to probation terms, to be aided in anger manage and to be a law abiding citizen.***
8. ***Orders accordingly.***

Dated, Signed and Delivered at Siaya this 22nd day of January, 2020

R. E. ABURILI

JUDGE

Delivered in the Presence of:

Mr. Okachi Senior Principal Prosecution Counsel for the State

Mr. Ochanyo holding brief for Mr. Mirembe

Advocate for the Accused

Accused person Present

Rose Akinyi Onyango mother to the deceased victim present

