



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 1 OF 2019 (MURDER)**

**REPUBLIC.....PROSECUTOR**

**-VERSUS-**

**PHILIP OMBUOGA MOSE.....1<sup>ST</sup> ACCUSED**

**DANIEL OSORO MOSE.....2<sup>ND</sup> ACCUSED**

**SENTENCING**

The accused persons **Philip Ombuoga Mose** and **Daniel Osoro Mose** have been convicted of the murder of their brother **Andrew Orina Mose**. In sentencing the accused persons I have considered the mitigation raised by their counsel, and also that they are first offenders. The probation report presented recommends a non-custodial sentence and states, that the family of the accused persons has had a series of killings.

I have considered the circumstances under which the deceased met his death. The attack was so brutal and uncalled for. They were so merciless. They deserve a death sentence. Despite what is recommended by the probation officer, I find it fit that the 2 be given a custodial sentence.

I therefore sentence **Philip Ombuoga Mose to 40 years imprisonment**. I sentence **Daniel Osoro Mose to 40 years imprisonment**. Each accused person has a right of appeal within 14 days.

**Dated, signed and delivered at KISII this 3<sup>rd</sup> day of March 2020.**

**R.E.OUGO**

**JUDGE**

**In the Presence of;**

**Accused: 1. Philip Ombuoga Mose Present**

**Accused 2: Daniel Osoro Mose Present**

**Mr. Kaba h/b for Mr.Nyangacha For Accused persons**

**Mr. Otieno Senior State Counsel Office of the DPP**

**Ms. Rael Court Assistant**