

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL CASE NO. 23 OF 2017 [MURDER]

STATE.....PROSECUTION

VERSUS

KENNEDY OTIENO OKETCH.....ACCUSED

SENTENCE

1. I have considered the mitigation by the accused person and his counsel Mr. Ooro.
2. I have also considered the fact that the accused is a first offender and a young man aged 27 years old. Further, that he was assaulted after the death of the deceased. However, an innocent life was lost and the accused despite denying that he committed the offence and offering no justification for the killing of the deceased in a painful brutal manner, he now says he had a land dispute with the deceased and that he had warned them not to till the land which had not been shared but they could not heed his warnings.
3. Article 26 of the Constitution guarantees every person the right to life and no person has any right to deprive the other's life.
4. The deceased was a wife to the accused person's paternal uncle and this court does not fathom how attacking her and killing her at midnight would have resolved the land dispute if any. Nonetheless, there are established lawful means for resolving land disputes which includes succession proceedings and or filing suit in court.
5. Disputes can never be resolved by resorting to killing one another.
6. For the above reasons and exercising judicial discretion, I hereby sentence the accused person herein **Kennedy Otieno Oketch** to serve prison term of thirty years to be calculated from the date of his arrest.
7. Right of Appeal 7 days explained.
8. Orders accordingly.

Dated, signed and Delivered at Siaya, this 7th Day of May, 2020 via skype.

R.E. ABURILI

JUDGE