



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO.3 OF 2006**

**REPUBLIC.....PROSECUTOR**

**- V E R S U S -**

**WILLY SANG.....ACCUSED**

**RE-SENTENC RULING**

1. The Accused Person **WILLY SANG** was sentenced to death on 3/7/2009 for the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code.
2. The particulars of the charge were that on 21/2/2006 at Ndanai Village, Bomet District of Rift Valley Province the Accused Person murdered **JOSEPH ROTICH**.
3. The Deceased **JOSEPH ROTICH** was the father of the Accused Person. The Prosecution evidence was that on the material day, the Accused Person went to the Deceased's home armed with a knife and a scuffle ensued after the two quarreled over land.
4. The Accused Person found the Deceased talking to his other children when he attacked him. The Deceased armed himself with a piece of metal in self defence.
5. The Accused Person in his defence said the Deceased attacked him with a piece of metal and he pushed him. There is evidence that both deceased and the Accused Person were drunk when the offence was committed.
6. The Accused Person was convicted with the offence of Murder and sentenced to death.
7. He appealed to the Court of Appeal and the conviction was upheld and the file was referred back to the High Court for re-sentencing.
8. I have considered the written mitigation filed by the Accused Person and also the Pre-Sentence Report filed on 23/9/2020.
9. The Accused Person stated in his mitigation that he is remorseful for the offence he committed and further that he has been rehabilitated and during his 15 years stay in custody he has acquired Carpentry and Joinery Grade 1.
10. The Pre-Sentence Report stated that the family of the Accused Person is willing to assist him and further that reconciliation within the family has been finalized.
11. Before sentencing the Accused Person to death, the Court found in its Judgment that the Accused Person was not so drunk as not to know what he was doing.
12. The Accused Person attacked and killed his father for no reason. The death penalty has since been commuted to life imprisonment.
13. Since this file was referred back for re-sentence, I sentence the Accused Person to 30 (Thirty) years imprisonment.
14. The sentence to start running from 3/7/2007 when he was sentenced to death.
15. The Accused Person has a right of Appeal within 14 days of this date.

**Delivered, Dated and Signed at Kericho this 2<sup>nd</sup> Day of October, 2020**

A.N. ONGERI

JUDGE