



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 30 OF 2017 [MURDER]**

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

**JULIUS OMONDI ONYANGO.....ACCUSED**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON SENTENCE**

1. The Accused person **Julius Omondi Onyango** was charged with the offence of Murder contrary to **Section 203 as read with Section 204 of the Penal Code**. He pleaded not guilty to the charge and the full trial took place. The court found him not guilty of Murder but found that the accused was guilty of unlawfully killing the deceased Paul Ouma Oracha. I therefore convicted him of the offence of Manslaughter contrary to **Section 202 as read with Section 205 of the Penal Code**.

2. In his mitigation, the accused person through his Advocate Mr. Ochanyo holding brief for Mr. Ooro Advocate pleaded for leniency. That the accused is a young man aged 30 years, unmarried, a first offender and remorseful. That he killed his best friend and relative and that the two had been drinking together prior to the incident hence he prayed for leniency. He urged the Court to consider him for non-custodial sentence as he has already served 2 years in remand.

3. The Prosecution stated through Mr. Okachi Snr Principal Prosecution Counsel that the accused could be treated as a first offender.

4. I have considered all the mitigation, the fact that the accused is a first offender and circumstances under which the offence was committed against an unarmed deceased person.

5. I have considered the Pre-sentence Report filed in court today by Catherine Amimo, the Siaya County Probation Officer. The report shows that all persons of interest namely the accused/ convict's relatives and the area leaders as well as the victim's family members were interviewed. The convict was also interviewed.

6. The Community and neighbours of the accused and deceased are not ready to receive the accused. There is animosity although the accused's siblings portray him well. The Community's attitude is negative. That the accused used to be warned severally against alcohol abuse but he ignored and was always violent. He needs counselling on drug and substance abuse, advice on anger management, trauma counselling and advice on the need to respect others.

7. Therefore, considering all the above, and the fact that the accused is remorseful and a first offender, and the fact that a life was lost and the maximum sentence being life imprisonment, I hereby sentence the accused person **JULIUS OMONDI ONYANGO** to serve fifteen (15) years imprisonment to be calculated from the date of his arrest on 22/11/2017.

Orders Accordingly.

**Dated, signed and Delivered at Siaya, this 22<sup>nd</sup> Day of July 2019**

**R.E. ABURILI**

**JUDGE**

**In the presence of:**

Mr. Okachi Snr Principal Prosecution Counsel for the State

Mr. Ooro Advocate for the accused person

Accused person present

CA: Brenda and Modestar