

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCRC. NO. 141 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

MARTIN NDETO MYAMAIACCUSED

(Formerly Machakos High Court Criminal Case No. 37 of 2014)

RULING ON SENTENCING

1. The accused was charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. The same was reduced to manslaughter contrary to Section 202 as read with Section 205 of the Penal Code after a plea bargain agreement. Accused was then convicted.
2. This court called for a pre-sentence report which was filed on 11/7/2019. I have read through the report which is favourable. The family and community have no problem having the accused back home.
3. The State confirmed that the accused is a first offender. The presentence report shows that the accused is not married.
4. He was first arraigned in court on **30/06/2014**. He has therefore been in custody for five (5) years.
5. I have considered all these factors, and the accused person's mitigation and I find the accused suitable for a non-custodial sentence. He will serve two (2) years on probation. The county probation officer Makueni will guide him on where and when to be reporting. The terms and conditions of probation are fully explained to the accused.

Orders accordingly.

DELIVERED, SIGNED AND DATED THIS 18TH DAY OF JULY, 2019 IN OPEN COURT AT MAKUENI.

.....

H. I ONG'UDI

JUDGE