

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

CRIMINAL CASE NO. 2 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

JACKSON OLE KILERAI.....ACCUSED

JUDGEMENT ON SENTENCE

1. The issue before the court is one of the appropriate sentence to be imposed upon the accused, whom I have convicted for the offence of murder.
2. In matters of sentencing, the court is required to take into account the mitigating and aggravating circumstances.
3. The mitigating circumstances include the following. The accused is offender. He is aged 36 years old according to the report of the probation officer (Mr. John Bett). He has been in custody since February 2018, which translates to one and a half years. He assists his young brother siblings.
4. Furthermore, the aggravating circumstances are as follows. A life of an old man aged 58 years old has been lost. According to the postmortem report (exhibit 1), the deceased died due to head injury due to a blunt trauma to the head, which caused a depressed fracture on the occipital region of the head.
5. According to the probation officer's report, the accused has not married. He still denies the offence. The family of the accused describe him as a humble person and the family do not know the truth of the offence committed.
6. The deceased is the eldest son of the late Naremisho Kerempe and the late Nyamulak Kerempe. The deceased left behind thirteen siblings, who now are under the care of his second wife, since the first wife died.
7. The community regrets the death of the deceased and have described the accused as friendly and peaceful. Both the family of the deceased and the accused met with a view to reconciliation on 30th June 2019 and deceased to await the verdict of the court. The probation officer has not made any recommendations to the court.
8. I have taken all foregoing matters into account. As a result, I find that the appropriate sentence is one of fourteen (14) years, which I hereby impose upon the accused.

Judgement signed, dated and delivered at Narok in open court this 15th day of July, 2019 in the presence of Mr. Omwega for the state and Mr. Langat for the accused.

J. M. Bwonwonga

Judge

15/07/2019