

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

CRIMINAL CASE NO. 10 OF 2014

REPUBLICPROSECUTOR

VERSUS

ENOCK OKOTH KOI.....ACCUSED

SENTENCE

1. The accused person herein, **Enock Okoth Koi**, was charged alongside two co-accused with the murder of one **Titus Wamwiri Wanyoro** (hereinafter referred to as '**the deceased**'). He denied the charge and a trial was conducted which culminated with a conviction. He was sentenced to suffer death.

2. The accused person thereafter petitioned the mandatory nature of the death sentence vide **Migori High Court Constitutional Petition No.of 2018** which Petition was allowed and the death sentence set-aside. This Court then conducted fresh sentencing proceedings culminating with this sentence.

3. Rendering mitigations, the accused person prayed for leniency and a non-custodial sentence. He gave a history of what his family has gone through since his arrest in 2010 which was vouched by a Pre-Sentence Report. The prosecution called for severe sentence given the nature of the offence despite that the accused person is a first offender and that the deceased hailed from Nairobi.

4. The judgment captured the unique circumstances of the case and the role played by the accused person as the one who waylaid the deceased from Nairobi. I have considered the circumstances of this case and the Pre-Sentence Report and find that the accused person is not fit for a non-custodial sentence. He is sentenced to 30 years' imprisonment. For avoidance of doubt, the sentence shall be deemed to run from the date the accused person was sentenced to suffer death.

5. Those are the orders of this Court.

DELIVERED, DATED and SIGNED at MIGORI this 11th day of October 2018.

A. C. MRIMA

JUDGE

Sentence delivered in open Court and in the presence of: -

Enock Okoth Koi, the Accused person.

Mr. Joseph Kimanthi, Senior Principal Prosecution Counsel instructed by the Office of the Director of Public Prosecutions for the State.

Evelyne Nyauke – Court Assistant.