

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO. 2 OF 2014

BETWEEN

MICHAEL LEPARAN KENI.....1ST APPELLANT

STEPHEN RAUTA PESI.....2ND APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal from the original conviction and sentence of Hon. A.K Mkoross, SRM dated 18th June 2014 at the Senior Resident Magistrate's Court at Kilgoris in Criminal Case No. 409 of 2013)

RULING ON SENTENCE

The appellants were convicted on two counts of robbery with violence and sentenced to death. I have now affirmed their respective convictions but am called upon to sentence them in view of the fact that the mandatory penalty was declared unconstitutional.

I have noted that they are first offenders, they are remorseful and plead for leniency. I have also taken into account what they stated in mitigation before the trial court. The appellants have also been in custody since the time they were arraigned in court on 13th June 2013.

I accordingly sentence the appellants MICHAEL LEPARAN KENI and STEPHEN RAUTA PESI to twelve (12) years imprisonment on Count I and III. Each sentence shall run concurrently and shall be deemed to commence on **13th June 2013**.

Right of Appeal explained.

Sentence pronounced in open court this **4th** day of **December, 2018**.

D.S MAJANJA

JUDGE

Mr. Otieno, Prosecution Counsel, instructed by Office of Director of Prosecutions.

Mr. Bigogo for the Appellant.