



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**HIGH COURT CRIMINAL CASE NO. 108 OF 2014**

**REPUBLIC .....PROSECUTION**

**VERSUS**

**EUNICE WAMBUI NJERI.....ACCUSED**

**RULING ON SENTENCE**

1. The accused has been convicted of murder contrary to **section 203** of the **Penal Code**.
2. I have considered that the State has treated her as a first offender which I have considered.
3. The defence counsel Mr. Njiri has made a passionate plea on behalf of the accused in mitigation which I have considered thus:
  - a) Accused is remorseful for offence;
  - b) Accused is an orphan;
  - c) She has 2 children aged 5 years and 1 ½ years. The latter who was born while accused was in custody and has persistent chest problems.
  - d) That the accused has been in custody during pendency of this trial.
  - e) That the accused learnt skills while in prison including making soap and youghurt.
  - f) That accused has gone through rehabilitation while in prison.
  - g) That accused pleads for a non-custodial sentence.
4. I have also considered the circumstances of the case. I take a serious view of it. The accused battered an innocent child left in her care until she died of the injuries the accused inflicted on her. That was inhuman, heinous and callous. It cannot be countenanced by this court even if the court had a discretion in sentencing.
5. The offence of murder attracts a mandatory death sentence provided under **section 204** of the **Penal Code**.
6. Accordingly I sentence the accused to death. She has the right of appeal against the conviction and

sentence within 14 days.

**DATED AT NAIROBI THIS 15<sup>TH</sup> DAY OF MAY, 2017.**

**LESIIT, J**

**JUDGE**