

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 31 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

CHARLES OINO OKEMWA.....ACCUSED

SENTENCE

1. The accused was convicted of a lesser charge of manslaughter after a plea bargain agreement that saw the initial charge of murder reduced to that of manslaughter.
2. After the conviction and mitigation by Mr. Moseti Counsel for the accused, the trial court, presided over by Karanjah J noted that the accused was a first offender even though he had used excessive force in self defence against the deceased that led to the death of the deceased.
3. The trial court however noted that the accused may be accorded leniency by way of a non-custodial sentence whereupon the court directed the Probation Officer to submit a presentencing report.
4. I have perused the Probation Officer's report filed herein and I note that it does not recommend a non custodial sentence because of the apparent strain in the relationship between the family of the victim and that of the accused.
5. It is in view of the above considerations that I hereby sentence the accused CHARLES OINO OKEMWA to 5 years imprisonment.

Delivered, dated and signed in at Kisii on **13th of September, 2016.**

W.A. OKWANY

JUDGE

In the presence of:

Mr. Otieno for the State

Accused in person

Omwoyo court cler