

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 38 OF 2009

REPUBLIC.....PROSECUTOR

VERSUS

PETER KIPNGENO RONO.....ACCUSED

SENTENCE

Peter Kipngeno Rono, the accused herein, was initially charged before this court with offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Pursuant to the plea agreement dated 18th February 2014, the accused pleaded guilty to the offence of manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code**. Upon conviction and before sentencing, this court invited the accused's advocate to outline facts in Mitigation. This court also called for a probation report on the accused.

I have taken into account the facts outlined in Mitigation together with the Probation Officer's Report. There is no doubt that the accused is a first offender who is remorseful. The accused has also been in custody for four (4) years. There is further evidence that the accused is married with two (2) children. The Probation Report by the Bomet County Probation Officer shows that the home environment is hostile to the accused hence it is unsafe for him to serve a non-custodial sentence. In the report it is said that when information reached the victim's family that the offender's family had gone to the victim's home to seek for reconciliation, the deceased's siblings and youths from the neighborhood are said to have armed themselves with machetes ready to make revenge attacks but fortunately they found the accused's relatives had left. It would appear that the deceased's family, the accused's father and the community at large are yet to come to terms with the deceased's death and that is why they are said to be hostile to any information suggesting that the accused can be given a non-custodial sentence. After a careful consideration of all the mitigating factors, I am convinced that this is a case fit to pronounce a custodial sentence. I hereby sentence Peter Kipngeno Rono to ten (10) years imprisonment.

Dated, signed and delivered in open court this 17th day of March, 2014.

J.K.SERGON

JUDGE

In the presence of:

Miss. Kivali for Director of Public Prosecution

Mr. Siele Sigira for the Accused