



REPUBLIC OF KENYA

IN THE HIGH COURT

AT ELDORET

Criminal Case 34 of 2011

REPUBLIC PROSECUTOR

VERSUS

RUFUS KISANG ACCUSED

RULING ON SENTENCE

The Accused entered a plea of guilty for a lesser charge of Manslaughter. The State Counsel proceeded to read the facts and the Accused stated that the facts were correct where-upon the Accused was convicted on his own plea of guilty.

In mitigation the Accused sought leniency and a non-custodial sentence. He pleaded that he was remorseful and was aged 24 years of age, married with a young child of two (2) years.

The Court then called for a Probation Officer's Report which has been tendered to Court today the 3/07/2012.

The Report does not favour the Accused person.

He has since separated from his wife. He is said to be a very violent person, fond of expressing his anger by attacking people with arrows even upon the slightest provocation. Even his own father has been attacked by the Accused. The community is still very hostile towards the Accused and his life endangered.

The Report does not recommend a non-custodial sentence.

The Court must now proceed to consider the appropriate sentence. In considering a proper sentence – the Court has considered the crime committed by the Accused, the choice of weapon and matters in favour of the Accused.

The factors that favour the Accused are his age and that he is a first offender.

The factors that are against the Accused is that he does not appear to be remorseful and his weapons of

choice are the same arrows that he used when he committed the offence herein.

Having considered the above, I hereby sentence the Accused to (5) five years imprisonment from today's date.

It is so ordered.

Dated and delivered at Eldoret this 3rd day of July 2012.

A. MSHILA

JUDGE

Coram:

Before: Hon. Mshila J

CC: Andrew

Counsel for State: Mr. Kabaka

Counsel for Accused: Mr. Miyienda.

A. MSHILA

JUDGE