



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CRIMINAL CASE NO. E032 OF 2025

REPUBLIC

ODPP

-VERSUS-

LIZZ NJERI MWANGI.....

CONVICT

SENTENCING

1. The Convict herein pleaded guilty to the offence of Murder **Contrary to Section 203** as read with **Section 204 of the same Code** and was convicted thereof on 29th July 2025. She had been charged that on 22nd June 2025 at Mchanganyiko area of Kiamaina Location, Nakuru North Sub-County in Nakuru County she murdered Margaret Wanjiku Kirathe.

2. In his written mitigation submissions the defence Counsel (Mr Matoke H) tells the court *inter alia* that the convict is 18 and a Form 4 student at Upper Hill Secondary School . She is said to expresses remorse saying she did not understand how she came to commit the heinous act. According to Counsel, his client requires

counselling to be provided by a Probation Officer. The deceased is said to have caused the death after experiencing nightmares and receiving a strange command to kill. The court is referred to the judicial determination in **Nakuru Criminal Appeal No. 55A of 2017, Aaron Lang'at V. Republic (Unreported)** where the Court of Appeal observed that an offender's youthful age is among factors that may influence sentencing in the particulars circumstances of every case before the court.

3. Owing to the Convict's remorse and the reconciliation by the parties, a non-custodial, preferably a Probation sentence, is suggested to facilitate counselling. In support of this sentence , I am referred to case law in **Dahir Hussein V. Republic, Criminal Case No. 1 of 2015 (2015) eKLR** where court noted factors affecting a sentence to include deterrence, rehabilitation, accountability to society and retribution.
4. The court is further referred to the Supreme Court's decision in **Francis Karioko Muruatetu & Others V. Republic, Petition No. 15 Of 2015** that reiterates the same principle, listing relevant factors to be considered as the character , remorsefulness and antecedents of the offender *inter alia*.

5. The Prosecution Counsel (Mr Wakasyaka) acknowledges that the offender has no previous criminal records and pleaded guilty. Counsel acknowledges The Prosecution, however, thinks that a custodial sentence is appropriate for the gruesome killing of a 3-year- old child, for necessary deterrence. Like the Defence Counsel, the Republic places reliance on sentencing principles set out in the Supreme Court's decision in the Francis Murutetu Karioko & Others Petition *supra*.
6. The Probation Officer's pre-sentence report dated 23rd September 2025 opines that the Offender is not suitable for a non- custodial because the deceased's family is still very bitter about the incident while her family and the community are not also ready to receive her back.
7. I have considered the submissions against the applicable principles of sentencing alluded to by Counsel and the operational Judiciary Sentencing Guidelines 2023. It is noted that the offender is youthful at 18 and has no other criminal antecedents.
8. The circumstances in which the victim's death occurred were indeed gruesome as the deceased was strangled to death using a piece of cloth. This is another relevant factor the court should take into account..

9. Having considered all the relevant factors, I concur with the prosecution Counsel that a custodial sentence is imperative to better deter the offender. While I appreciate the stated mitigating circumstances, the accused perpetrated a vicious attack against the deceased which requires deterrence. A non-custodial sentence is not appropriate given the sentiments of the deceased's family and the general community the Convict hails from. The Convict is also dangerous to the society since it is not shown that she is now free from the bizarre influence that led her to commit the murder.
10. Doing the best I can in balancing the interests of justice, I sentence the offender to twenty (20) years imprisonment. She has 14 days to appeal the sentence only.
11. Sentence imposed accordingly.

J. M. NANG'EA, JUDGE.

Ruling delivered this 2nd Day of December, 2025 in the presence of:

The Prosecution Counsel, Mr Wakasyaka.

The Defence Counsel, Mr Matoke H

The Convict, present.

The Court Assistant, Mr Justine

J. M. NANG'EA, JUDGE.

Original