



**Republic v Korir (Criminal Case E015 of 2023)
[2026] KEHC 2651 (KLR) (27 February 2026) (Sentence)**

Neutral citation: [2026] KEHC 2651 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ITEN
CRIMINAL CASE E015 OF 2023
JRA WANANDA, J
FEBRUARY 27, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

SHEILA JELAGAT KORIR ACCUSED

SENTENCE

1. The accused person was charged with the offence of murder contrary to Section 203 as read with Section 205 of the Penal Code. The particulars were that on 14/12/2023, at Kiptenden Village, in Keiyo South Sub County, within Elgeyo Marakwet County, she murdered one Jane Wairimu Mwangi.
2. Ms. Nelly Too Advocate represents the accused, while Prosecution Counsel Ms Racheal Mwangi presently appears for the State.
3. The accused was arraigned on 28/12/2023, and took plea on 12/02/2024 pleading not guilty. Subsequently however, the accused entered into plea bargain discussions with the State which eventually culminated into the plea bargain Agreement dated 1/07/2025. The matter then came up for plea bargain hearing on 16/10/2025. The accused was sworn on oath, and after examining her, I recorded my satisfaction that Section 137F-137G of the Criminal Procedure Act, governing the plea bargain process had been complied with, that the accused had signed the agreement together with her Counsel, voluntarily, and without any coercion, and that she fully understood the effect thereof. I thus allowed accused to take a fresh plea, now on the fresh charge of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code, which she did, and upon which she then pleaded guilty. The statement of facts of the case (factual basis) was then read out to the accused. The same was basically as follows:

“The accused person and the deceased were neighbours. On 14th December, 2023 at an unknown time, the accused went to drink local brew at the village where she met the



deceased, and they had an altercation. When the accused went home, she armed herself with a knife and waited for the deceased to return home, and when the deceased returned, the accused ambushed her and stabbed the deceased on the neck, the deceased fell down and her daughter raised an alarm for help. Neighbours responded, and came and took the deceased to the Kamwosor sub-county hospital, where unfortunately, she was pronounced dead on arrival, and the body of the deceased was then taken to Kamwosor Sub-County Hospital Mortuary for preservation and autopsy. The post-mortem was later conducted on 22nd December, 2023, upon which the doctor noted the cause of death as haemorrhagic shock secondary to penetrating injury to the internal jugular vein. The accused was arrested and taken to Kaptagat Police station and was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code, which has now been reduced to manslaughter contrary to section 202 as read with section 205 of the Penal code pursuant to this plea bargain agreement.”

4. Prosecution Counsel then produced the Post Mortem Report dated 22/12/2023 as an exhibit.
5. When asked to confirm or refute, or comment on the correctness of the facts read out, the accused confirmed the same as correct and true. Satisfied that the statement read out disclosed sufficient factual basis for the charge, this Court accordingly convicted the accused of the offence of manslaughter.
6. Regarding the sentence to be imposed, Ms Mwangi informed the Court that there were no previous records on the accused hence she could be treated as a first offender.
7. Ms. Too, on her part, in mitigation submitted, basically, that the accused is remorseful and reflects on her actions, and that this was a case of failure to control her anger. She pointed out that the accused is a 30 years old single mother with 3 young children, aged 10 years, 6 years, and 3 years, respectively, and has only been surviving on carrying out manual work to support the children. Ms. Too prayed for leniency for the accused, whom she urged, has been in remand since 2023, and has, while there, undergone several courses including anger management and is also now “born again”. In the event of custodial sentence, she proposed a sentence of not more than 4 years imprisonment.
8. I then directed that a pre-sentence Report be filed, which was done. The Report, dated 27/10/2025 and prepared by the Probation & Aftercare Service (Elgeyo Marakwet County Office) indicates that it has been compiled after interviews with, inter alia, the accused, her family, the victim’s family and relatives, and neighbours, and also after assessing relevant circumstances, and perusing and studying relevant documentation.

Determination

9. The applicable law on sentence for the offence of manslaughter is Section 205 of the Penal Code which provides as follows:

“ Any person who commits the felony of manslaughter is liable to imprisonment for life”
10. In determining the appropriate sentence to impose, I take into account the Supreme Court decision in the the case of Francis Karioko Muruatetu & Another v Republic [2017] eKLR) in which it guided that, in sentencing, the following mitigating factors would be applicable; (a) age of the offender; (b) being a first offender; (c) whether the offender pleaded guilty; (d) character and record of the offender; (e) commission of the offence in response to gender-based violence; (f) remorsefulness of the offender; (g) the possibility of reform and social re-adaptation of the offender; and, (h) any other factor that the Court considers relevant.



11. Similarly, the Court of Appeal, in the case of Daniel Kipkosgei Letting Vs. Republic [2021] eKLR, pronounced as follows;

“With regard to the above, we observe that the purpose and objectives of sentencing as stated in the Judiciary Sentencing policy should be commensurate and proportionate to the crime committed and the manner in which it was committed. The sentencing should be one that meets the end of justice and ensures that the principles of proportionality, deterrence and rehabilitation are adhered to.”

12. Further, Majanja J, in quoting Francis Karioko Muruatetu (supra), in the case of Michael Kathewa Laichena & another v Republic [2018] eKLR, stated as follows:

“The Sentencing Policy Guidelines, 2016 (“the Guidelines”) published by the Kenya Judiciary provide a four tier methodology for determination of a custodial sentence. The starting point is establishing the custodial sentence under the applicable statute. Second, consider the mitigating circumstances or circumstances that would lessen the term of the custodial sentence. Third, aggravating circumstances that will go to increase the sentence. Fourth, weigh both aggravating and mitigating circumstances.”

13. I note that under the plea bargain Agreement, the Prosecution recommends a sentence of 20 years’ imprisonment. I also consider the contents, findings and recommendations of the Pre-sentence Report. The salient observations I make from the Report are that the accused is a class 7 primary school drop-out who has indulged in alcohol for a long period of time due to the frustrations of a failed marriage. Regarding the family of the deceased, it is said to display hostility to the accused person and that the family failed to show any remorse by failing to attend the burial of the deceased, or contributing to the funeral expenses. It is however indicated that in a reconciliatory meeting, the accused persons’ family had agreed to give the deceased a cow but since the family of the deceased did not have a place to rear the cow, a token sum of Kshs. 350,000/- was agreed upon but which, however, has never been paid to date. It is therefore indicated that the family of the deceased did not support release of the accused person in the absence of the compensation.

14. The Report however also indicates that the community from where the accused comes from, felt that the safety of the accused will not be compromised if she is released since family members of the deceased live far away. It is further indicated that the community, besides raising issues about the accused person’s perpetual drunkenness, had no other negative trait that they could attach to the accused, and therefore did not object to a non-custodial sentence. The accused is also clearly remorseful, and she is said to be a 1st offender. I also take into account the fact that she entered into the plea bargain agreement, and thus pleaded guilty to the lesser charge of manslaughter, and in the process, saving precious judicial time.

15. I also taken into account the fact that the accused is 30 years old, and is said to be a single parent of 3 young children, and she has also been in custody since about 15/12/2023 when she was arrested. She is also said to have a history of alcohol use which, it cannot be ruled out, may have influenced her inability to think rationally, and to thus de-escalate the situation and make a wise judgment, rather than settling her altercation with the deceased by arming herself with a knife, ambushing and stabbing the deceased to death. I also consider her evident remorse and regret for her actions, and her apparent desire to be re-integrated to the community to rebuild her life and take care of her young children, who must be suffering in her absence.

16. I find the above matters to constitute mitigating circumstances deserving to be considered.



17. I however also consider the grave and disturbing manner in which the offence was committed, namely, that the accused, after getting into an altercation with the deceased (her neighbour) at a drinking den, returned home, armed herself with a knife with the obvious intention of stabbing the deceased, waited for the deceased to return home, and then executed the intention with precision, thus killing the deceased. The intention of stabbing the deceased right on the neck was clearly to ensure that she fully deprived the deceased of her life. Since the point stabbed comprises the throat area, and is in fact the vein that facilitates return of blood to the heart, the accused clearly intentionally executed a decisive, swift and aggressive attack on one of a human being's most vulnerable areas of the body. She "went for the jugular", literally. This cannot therefore be said to have been accidental or an act of self-defence.
18. I therefore find serious aggravating circumstances in this case as the actions of the accused paint a picture of premeditation to commit a heinous violent act that ended the life of the deceased as intended by the attacker, and in the process, deprived the deceased's young innocent children of a mother. The excuse that the accused was intoxicated at the time of the attack cannot hold as the consequences of her actions were dire. In any event, in my view, the precision with which the stabbing was executed, and the prior planning demonstrated, does not point to a person deprived of the ability to make proper or rational decisions because of being intoxicated.
19. In the circumstances, and although the accused saved precious judicial time by entering into the plea-bargain agreement, which I have taken into account, I find that a non-custodial sentence would not be appropriate in this case. A life was lost and the Court must reiterate that, save for the limited circumstances permitted in law, it is not acceptable to take a human life extra-judicially whatever the circumstances or level of provocation. I will thus impose a prison sentence. Since however I find no indication that the accused was at any point released on bond or bail during the more than 2 years period that she spent in remand custody during the trial, such period shall be factored in computing the prison term that she shall serve.

Final Orders

20. I therefore make orders as follows:
 - i. The accused, Sheila Jelagat Korir, is hereby sentenced to serve ten (10) years imprisonment.
 - ii. As stipulated under Section 333(2) of the Criminal Procedure Act, the period already spent in remand custody by the accused before sentence shall be deducted in the computation of the period of imprisonment to be served. For avoidance of doubt therefore, the prison term shall be computed as from the date of arrest, namely, 15/12/2023.

DELIVERED, DATED AND SIGNED AT ELDORET THIS 27TH DAY OF FEBRUARY 2026

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WANANDA JOHN R. ANURO

JUDGE

Delivered in the presence of:

The Applicant (virtually from Eldoret Main Prison)

Ms. Mwangi for the State

Court Assistant: Brian Kimathi

