



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CRIMINAL CASE NUMBER E027 OF 2023**

**REPUBLIC**

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**ODPP**  
**VERSUS**  
**NAOMI MORAA OGERO** -----

**CONVICT**

**SENTENCE**

1. Naomi Moraa Ogero (“the Convict”) was on 2<sup>nd</sup> December 2025 convicted of **Manslaughter contrary to section 205 of the Penal Code** for unlawfully causing the death of one Dominic Nyambane Makori. The court then called

for pre-sentence report from the Probation Officer which has been duly filed. The parties proceeded to offer their pre-sentence submissions orally.

2. Learned Counsel for the Convict (Ms Chepng'etich) told the court that her Client is a mother of 7 school-going children. She is also said to be a widow having lost her husband around at around the same time the deceased herein died. The Convict is said to have faithfully appeared in court for hearing of the case until delivery of Judgement. Counsel pleads for a non-custodial sentence in the circumstances.
3. The Republic through Mr. Wakasyaka (Prosecution Counsel) briefly replied, urging the court to consider that the deceased died a painful death while visiting with his grandfather. It is pointed out that the Convict has not even reached out to the deceased's family for possible reconciliation. The Court is told the deceased's relatives are very bitter and want a deterrent sentence.
4. I have considered the Counsel submissions and also perused the Probation Officer's Report dated 5<sup>th</sup> February

2026. The Convict who is 42 years old and is said to still express her innocence in commission of the crime. The general community from which the Convict hails positively appraises her. The deceased's family is, however, opposed to a non-custodial sentence lamenting that the deceased was a bread winner for many and they therefore suffered great loss.

5. For the stated reasons and/or observations *inter alia* the Probation Officer leaves the matter to the court's discretion.
6. I have taken all relevant factors, extenuating and aggravating, into account as guided by the principles enunciated in the famous Supreme Court case of **Francis Karioko Muruatetu** and the **Judiciary Sentencing Guidelines, 2023**. Among the factors considered in sentencing are the age and antecedents of the offender; the circumstances in which the offence was committed and the views of the victim(s).
7. Although the Convict has no other criminal antecedents and her community seems to be friendly to her, she in

concert with another suspect at large caused loss of life for which she must be punished. The Deceased was brutally assaulted leading to his death. The strong mitigating statements contained in the Probation Officer's report and the Defence Counsel's submissions are, however, also noted.

8. Taking all the relevant circumstances into account, the Convict is hereby sentenced to 3 (three) years imprisonment. As she would also be advised by her Legal Counsel, she has 14 days to appeal the conviction and sentence.

**J. M. NANG'EA, JUDGE.**

**Delivered this 12<sup>th</sup> of March, 2026 in the presence of:**

**Mr. Wakasyaka for the Republic**

**Ms Chepng'etich Advocate for the Convict**

**Court Assistant (Jeniffer)**

**J.M. NANG'EA, JUDGE.**