

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL DIVISION
CRIMINAL CASE NO. 34 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

ERICK ONYONO NYAKUNDI.....ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of *manslaughter* under a plea agreement recorded on 9th February 2026. At the time of that agreement, *eight* witnesses had testified against him on the original *information* for *murder*.
2. It bears repeating that up to that stage, the accused enjoyed the *presumption of innocence*. The conviction and sentence for *manslaughter* is now based exclusively on the admitted set of facts in the plea agreement.
3. *Hellen Kwamboka Mooka* (hereafter *the deceased*) was a police officer at Parliament Police Station. She was living in a rented apartment in Umoja Estate. On 24th May 2019 her mother tried to reach her in vain. When she finally reached the Commanding Officer at Parliament Police Station, she was informed that the deceased had *not* reported for duty as expected.

4. The OCS *C.I Hellen Nthambi*, I.P *Joseph Kiptoo* and P.C *Cornelius Kimeli* proceeded to the deceased's house. It was locked from inside but when they pulled away the window curtain, they saw blood on the floor. Police officers from Buruburu Police Station were summoned to the scene, broke down the door and documented the scene.
5. The body of the deceased was lying in the bedroom in prone position. She had an open wound on her head. The body was removed to the Chiromo Mortuary.
6. Investigations revealed that the accused had a romantic relationship with the deceased. He was seen at the plot earlier on that day by *Carolyn Mwikali* and *Fredrick Ndung'u*. On 18th May 2019 he had gone to the deceased's place of work and enquired about her whereabouts from *PC Sylvia Barongo* and *PC Selina Losike*. He claimed to be her husband.
7. The accused went underground after the offence and was arrested at Swam area along the Kenya -Ugandan border with assistance of mobile tracking. He led the police to his house in Kibera where a red t-shirt, a pair of black trousers and a pair of black shoes were recovered. When the police revisited the primary scene in Umoja

with him, they also recovered a kitchen knife. All the exhibits were forwarded to the Government Chemist.

8. The post mortem was conducted on 28th May 2019 which revealed that the cause of death was “*manual strangulation and head injuries secondary to sharp object trauma to the head*” . I find that the autopsy report (exhibit 2) is consistent with the facts read out at the trial and now fully admitted by the accused.
9. In light of delays of obtaining the records of the accused, learned prosecution counsel, *Ms. M. Kigira*, asked the court to treat the accused as a first offender. She however sought a deterrent custodial sentence proportionate to the gravity of the offence and the brutal manner in which the accused killed the deceased.
10. I have considered the written and oral *mitigation* tendered by the accused through his learned counsel, *Ms. M. Chepsemba*. The accused prays for mercy. He is remorseful and accepts full responsibility for his conduct. He even authored the annexed letter addressed to the mother of the deceased seeking her forgiveness but which has offered “no comfort to her”. The point to be made is that there has been no reconciliation or any reparation and the deceased’s family is disinterested in such overtures. The accused

has undertaken various courses in prison as per the certificates annexed to the written mitigation.

11. I have studied the *pre-sentencing report* dated 8th December 2025 under the hand of *Mr. Kiriga Kimani*, Probation Officer, Nairobi. He states that the offender *“requires interventions on anger management, conflict resolution and affirmative decision making”*. His risk of recidivism is medium. The report recommends a *“lenient non-custodial sentence or probation order”*.
12. On the other hand is the victim’s family. The deceased’s mother has *“suffered profound emotional, psychological and physical harm as a direct result of her daughter’s death...she is unable to forgive the offender as she was brutally murdered”*. The deceased was also the financial pillar of the family. As a result, the family has suffered *“great financial distress, significant trauma and deep sense of insecurity”*. Lastly, the family is apprehensive about their safety if the accused is released considering that he was arrested *“near their location and that his motive was unclear”*.
13. I have kept in mind that the accused is a first offender. He is now aged 36 and has expressed genuine remorse. I have weighed it against the gravity of the offence and the lasting impact on the

victim's family. The accused strangled the deceased and then used a sharp knife to cut the deceased on the head. He then took off leaving her to die a painful death. He went underground and was only arrested through mobile tracking near the Uganda border.

14. Despite his elaborate mitigation, I find that the deployment of such lethal force negates the claims of lack of intent. This a major *aggravating* factor.

15. Sentence *should be commensurate to the moral blameworthiness of the offender* but also guided by the *nature and gravity of crime*. Manslaughter is a grave felony and attracts a sentence of life imprisonment. Despite the recommendation in the social report, I find that justice of the case demands a substantial custodial sentence. It will be a lesson to the accused and afford him full opportunity for reform and anger management.

16. I accordingly sentence the accused to serve *ten (10) years* in jail. In accordance with section 333 (2) of the **Criminal Procedure Code**, the sentence shall run from 1st June 2019, the date when he was first arrested and placed in custody.

It is so ordered.

DATED, SIGNED and DELIVERED at **NAIROBI** this 24th day of March

2026.

KANYI KIMONDO
JUDGE

Sentence read virtually on Microsoft Teams in the presence of-

Accused.

Ms. M. M. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Ms. M.C.T. Chepsemba for the accused.

Mr. E. Ombuna, Court Assistant.

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