



**State v Ayora (Criminal Case E004 of 2024)  
[2025] KEHC 1607 (KLR) (26 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 1607 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISII  
CRIMINAL CASE E004 OF 2024**

**TA ODERA, J**

**FEBRUARY 26, 2025**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**VERA KERUBO AYORA ..... ACCUSED**

**SENTENCE**

1. The offender herein was initially charged with murder contrary to Section 203 as read with 204 of the penal code. She later entered into a plea bargain agreement with the State and the charges were reduced to manslaughter contrary to Section 202 as read with 205 of the penal code. She pleaded guilty to manslaughter and he was accordingly convicted.
2. This case is now coming up for sentencing. The court called for a pre-sentence report from the probation and after Care department and it has emerged from the same that the convict is the mother to deceased a child aged 2 ½ years.
3. The report indicates the offender is a youthful woman aged 22 with a young family and that the community members and her family have forgiven her and agreed to receive her back home if released on a non-custodial sentence and rehabilitation for his behavioral problems.
4. Defence Counsel submitted that the offender is a young woman and she is remorseful, and was a first offender. Prosecution also supported the contention that it was submitted that the offender entered into a plea bargain agreement and save judicial time and so he prayed for a non- custodial sentence.
5. The Supreme Court in the Muruatetu case set down the following factors to be considered in sentencing in murder trials;
  - 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.
  - h) Any other factor that the court considers relevant.
6. I have considered the age of the offender nature of the offence, its circumstances, the pre-sentence report, mitigation, submissions, the remand period of about 2 years, the fact that he is remorseful and the sentiments of the family the offender. I agree with defence counsel that the offender deserves leniency for entering into a plea bargain agreement and saved the precious judicial time of the court and expedited the determination of the case. It is clear that the offender cut short the life of her innocent child due to the frustrations of being a young jobless single mother who was struggling to provide for the basic needs of the child. It has also emerged that the father to the offender used to mock her for having a child out of wedlock. The pre-sentence report recommends that that she be placed on probation for 3 years of which she will serve one year at Nakuru a probation hostel to enable her learn some skills. I agree with the probation officer on the said recommendation due to the circumstances.
7. The offender has saved the judicial time and resources as rightly submitted by defence counsel he is entitled to some concession on the sentence.

I proceed to sentence the offender to 3 years probation of which 1 year will be served at Nakuru Probation Hostel.

14 days Right of appeal.

**T.A ODERA**

**JUDGE**

**26.2.25**

**DELIVERED VIRTUALLY VIA TEAMS PLATFORM IN THE PRESENCE OF:**

The offender

Koima for the State

Court Assistant: Oigo

Mr. Magara advocate for the Offender

**Ochieng:** We seek orders that she be tested for HIV, Tuberculosis and pregnancy as a requirement before admission to the hostel.

**Magara:** No objection.

**Order:** The offender be escorted to Kisii County Teaching and Referral Hospital for HIV, Tuberculosis and pregnancy tests.

**T.A ODERA**

**JUDGE**

**26.2.25.**

