



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. E005 OF 2021**

**STATE.....PROSECUTION**

**VERSUS**

**LUCAS ONYANGO WALO.....ACCUSED**

**RULING ON SENTENCE**

1. On 22/3/2022, this court delivered judgment finding the accused person herein, Lucas Onyango Walo guilty of the Murder of Maurice Omondi.

2. The court convicted the accused upon which the Prosecution indicated that they had no previous criminal records report on the accused person.

3. In mitigation, his counsel, Mr. Ojwang Agina stated:

***“I have no mitigation for the accused person.”***

4. The accused was asked by the court whether he had any mitigation and he thanked the court for the opportunity to mitigate. He stated that he was grateful that the court had heard his case in a good way and expeditiously. That he has never been charged before any court with any offence. That he was 33 years old, married with 3 children.

5. The Court then heard Victim Impact Statements from Rose Juma Amolo, the deceased’s mother who stated on oath that the deceased was born in 1992, did business, had a wife and 3 children. That she was angry because she was now left with a widow and orphaned children. She urged the court to follow the law.

6. Emily Awino, the wife to the deceased and aged 24 years stated on oath that she had been married to the deceased from 2011 and they had 3 children aged 7 years, 5 years and 2 years old. She urged the court to do its work and help her.

7. The court then called for a Presentence report on the accused person.

8. Mr. John Oyare Oyieko, Probation Officer, Siaya, has filed his Presentence Report on the accused. It is dated 17/4/2022. The report gives the social background of the accused who is married with 3 children. He is a hotelier. He ordinarily lived in Nairobi. He claims that he was framed. He is not remorseful towards the offence because he claims to be innocent and was therefore wrongfully prosecuted.

9. In the community, the accused is reported to be known to be very violent and that he is easily provoked. The mother and widow to the deceased as well as his children are said to be in a hideout following threats to their lives. A similar report for Prebail filed by

David O. Odumba on 29/3/2021 revealed that the mother and widow and children of the deceased had relocated from home because of fear following threats by the accused prior to his being arrested, when he was in hiding for close to one year following the death of the deceased.

10. I have considered all the above circumstances and the circumstances under which the deceased Maurice Omondi was unlawfully killed. The accused maintains his innocence. He is 34 years old and married with 3 children. He is not remorseful for the unlawful killing of the deceased who was a young man who left behind his young wife and 3 children all under 10 years old.

11. In my humble view, and having observed the accused person in court, he deserves a prison term for him to be rehabilitated. He is a threat to the lives of others. The victim's family are threatened by the accused who is said to have promised to eliminate them and they were forced to relocate from home. Taking into account the objects of sentencing and the **Judiciary Sentencing Guidelines** and the principles espoused in the *Francis Muruatetu & Another Vs Republic [2017]eKLR*, and the fact that the accused is not remorseful for committing the heinous act of unlawfully killing the deceased for no apparent reason, although punishment for murder, upon conviction is death as stipulated in section 204 of the Penal Code, I hereby exercise discretion and sentence the accused person **Lucas Onyango Walo** to serve life imprisonment.

12. The right of Appeal is guaranteed 14 days of today.

13. This file is closed.

14. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA IN OPEN COURT, THIS 20<sup>TH</sup> DAY OF APRIL 2022**

**R.E. ABURILI**

**JUDGE**



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