THE STATE
versus
LAWRENCE MUTIDA MUSENDO

HIGH COURT OF ZIMBABWE
BHUNU J
HARARE, 21 July 2014 and 25 July 2014 and 30 July 2014.

ASSESSORS:
1.   Mr. Barwa.
2.   Mr. Chivanda

B. Murevanhema, for the State
T. Garabga, for the Defence

Charge: Murder
Plea: Not guilty. Altered to guilty of culpable homicide
Verdict: Guilty of culpable homicide.

<u>SENTENCE</u>

The accused was initially charged with murder but was convicted on his own plea of guilty to the lesser charge of culpable homicide. Following a dispute over a torch he struck and killed a work mate with an iron bar weighing 6.2 kilogrammes and measuring 1.86m in length.

In assessing sentence the court takes into account that he is a responsible family man of 42 years of age with 3 minor children to look after. He has pleaded guilty and is contrite. He is desirous to pay compensation to the deceased's family for the loss of their relative. To date he has however not taken any effective steps to discharge that obligation. He has spent 13 months in custody awaiting trial.

The court will also take into account that the accused was under the influence of alcohol when he committed the offence.

On the other hand the court will not lose sight of the sanctity of precious human blood. The accused's conduct in hitting the deceased with a lethal weapon on the head with sufficient force to kill him instantly was brutal and heartless. That type of conduct cannot be

tolerated by these courts. That type of behaviour can only be proscribed by passing stiff and deterrent sentences on convicted offenders to avert recurrence. For that reason imprisonment as a mode of punishment is unavoidable

The accused is accordingly sentenced to 5 years imprisonment of which 6 months is suspended for a period of 5yeras on condition the accused does not again within that period commit any offence involving assault or the unlawful killing of a fellow human being.

The Prosecutor general, the State's Legal Practitioners
Garabga, Ncube and Partners, the Defence's Legal Practitioners