



**Ochieng v Republic (Criminal Application E128 of 2024)
[2024] KEHC 10030 (KLR) (12 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10030 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E128 OF 2024
RE ABURILI, J
AUGUST 12, 2024**

BETWEEN

DANCAN OUMA OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

(From the original conviction and sentence in Nyando SPM Criminal Case No. 1886 of 2005)

RULING

1. The applicant is a convict for the offence of robbery with violence contrary to section 296(2) of the Penal Code and was sentenced to death. He appealed to the High Court vide HCRA 181 of 2013 which appeal was dismissed. he appealed to the Court of Appeal vide CoA 264 of 2015 and again, the appeal was dismissed. he returned to the High Court vide Petition for resentencing and Ochieng J resentedenced him to serve 30 years imprisonment.
2. He claims that his co accused Michael Onyango Obondo was considered for the period spent in custody pending trial but he does not state how he missed the chance as he has not annexed any proceedings to indicate how he was left out.
3. I find the application dated 11//7/2024 not supported. I hereby dismiss it.
4. Signal to issue.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF AUGUST, 2024

R.E. ABURILI

JUDGE

