



**Omullo v Republic (Miscellaneous Criminal Application
E012 of 2023) [2023] KEHC 972 (KLR) (20 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 972 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E012 OF 2023
RE ABURILI, J
FEBRUARY 20, 2023**

BETWEEN

LEONARD OTIENO OMULLO APPLICANT

AND

REPUBLIC RESPONDENT

(An Application for leave to appeal in Bondo PM SO No. 54 of 2020; in Siaya HCCRA No. E019/2021 and in Siaya Misc. Cr. Application No. E018 of 202)

RULING

1. The applicant herein Leonard Otieno Omullo was convicted of defiling a 10 year old child, which conviction and sentence of life imprisonment was upheld on appeal. He filed a similar application on February 14, 2022 seeking the same orders but giving different reasons for failure to file his appeal within time saying his family members let him down. Now he claims that his advocate did not file the appeal on time and that he is a pauper. No sworn affidavit is attached to demonstrate reasons given on oath and or evidence of pauperism.
2. Whereas in the application filed on February 14, 2022 there was a notice of appeal, I find no reason why the applicant convict should continue filing same applications for same orders.
3. The notice of appeal was validly on record. He should pay for the preparation and compilation of a record to the Court of Appeal.
4. I direct the Registry to asses and notify the applicant of the requisite court fees for compiling of the record of appeal.
5. The application for leave to appeal out of time is rejected, for the reason given above.
6. The application to appeal as a pauper is declined and dismissed as no affidavit evidence of pauperism is demonstrated.



7. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 20TH DAY OF FEBRUARY, 2023

R.E. ABURILI

JUDGE

