



**Mayende v Republic (Miscellaneous Criminal Application E038 of 2021)
[2022] KEHC 18048 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 18048 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
MISCELLANEOUS CRIMINAL APPLICATION E038 OF 2021
REA OUGO, J
DECEMBER 20, 2022**

BETWEEN

JOCKTAN MAYENDE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Jocktan Mayende was sentenced to serve 12 years for murder on the March 29, 2018. He now seeks a reduction of the sentence. As submitted the penalty for the offence of murder is still a death sentence. In sentencing the accused to 12 years the trial judge considered the facts, the applicants mitigation and the fact he is a first offender.
2. The applicant is back again in the High court to have the sentence reduced. This court lacks the jurisdiction to do so as the court that sentenced the applicant is a court of equal jurisdiction and I cannot resentence the applicant. I am not saying that he got off with a light sentence. There is no merit in his application and its dismissed. File is closed.

**DATED, SIGNED, AND DELIVERED AT BUNGOMA IN OPEN COURT THIS 20TH DAY OF
DECEMBER, 2022**

R.E. OUGO

JUDGE

In the presence of:

Ms Omondi – State Counsel

Ms Wilkister – Court Assistant.

Applicant : Jocktan Mayende – present online.

