

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE- J.)

PETITION NO. 12 OF 2019

BETWEEN

RICHARD ORICHO ONYANGO.....PETITIONER

AND

REPUBLIC.....RESPONDENT

JUDGMENT

Introduction

1. **RICHARD ORICHO ONYANGO**, (hereinafter referred to as the petitioner) was sentenced to death in **KISUMU CRIMINAL CASE NO. 163 OF 2000**. The conviction and sentence were confirmed in **KISUMU CRIMINAL APPEAL NO. 224 OF 2004** and also by the Court of Appeal. Subsequently, the Petitioner applied for resentence in **KISUMU CRIMINAL PETITION NO. 24 OF 2018** and was resentenced to 30 years imprisonment.

2. In the current petition filed on 8th February, 2019, the petitioner contends that resentence did not take into account the period of 4 years that he had been in custody before he was convicted and sentenced and prays that the sentence be reduced by 4 years.

3. I have considered the Petition and I find and hold that this court has no jurisdiction to review the sentence as prayed by the Petitioner. If the Petitioner is of the considered opinion that the court that resentenced him overlooked some material factors, his remedy lies with the Court of Appeal.

4. Consequently, the Petition is considered and found to have no merit and it is dismissed.

DATED AND SIGNED IN KISUMU THIS 28th DAY OF March 2019

T. W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Petitioner - Present

For the State - Mr Muia