



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CR. APPL. NO. 52 OF 2018**

**(CORAM: R. E. ABURILI - J.)**

**SIMON OUMA NYAKIDI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON APPLICATION**

On 19<sup>th</sup> April 2018, the applicant herein **Simon Ouma Nyakidi** was convicted by Hon. Makau J of the offence of murder of Washington Otieno on 20<sup>th</sup> October 2012 at Mageta Island, Bondo District within Nyanza Province. He was sentenced to serve 40 (forty years imprisonment vide Siaya HCCR 17/2015.

On 3<sup>rd</sup> July 2018, he lodged this application and Notice of Appeal seeking leave for extension of time within which to file an appeal to the Court of Appeal. He also applies for waiver of appeal fees and money for preparation of record of appeal on account of inability to raise money due to his incarcerations among other reasons contained in the grounds and sworn affidavit.

I note that the intended appeal is second appeal which accommodates both law and facts. In the premises, I shall exercise my discretion and allow the motion to have the Notice of Appeal deemed to be duly filed and served within time; without payment of Court fees.

However, the waiver is not absolute. The Applicant shall pay into this Court Kshs. 15,000/= for preparation of the record of appeal.

**Dated, Signed and Delivered at SIAYA this 31<sup>ST</sup> day of July 2018.**

**R.E. ABURILI**

**JUDGE**