

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CR. APPL. NO. 38 OF 2018

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

SYLVESTER OKOTH OLUOCH APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING ON APPLICATION

I have considered the applicant/convict's application for leave to appeal out of time as a poor person under **Rule 113 of the Court of Appeal Rules**. Judgment was delivered on 20th April 2018.

There was no sufficient cause shown for the delay in filing Notice of Appeal after the judgment was read.

There is no evidence that the applicant is poor by virtue of his lawful incarceration and no single question of law has been framed for consideration by the Court of Appeal in the intended second appeal.

In the premise, I dismiss the application as presented.

The Applicant/Convict to serve the lawful sentence meted out.

Dated, Signed and Delivered at SIAYA this 31ST day of July 2018.

R.E. ABURILI

JUDGE