

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL APPEAL NO. 132 OF 2016

SHIVONPIE WAIRIMU APPELLANT

VERSUS

REPUBLICSTATE

RULING

The appellant **SHIVONPIE WAIRIMU** has applied to be released on bail during the pendency of her appeal. **MR. MOTENDE** for the State did not oppose the application.

I have perused the record of the trial before the lower court. At this stage I am not required to determine the merits or otherwise of the appeal. Of note is that the appellant having been convicted by a properly constituted court of law cannot claim bail as a right in the same way that an accused person awaiting trial would do. The presumption of innocence no longer applies.

Whilst not prejudging the appeal, I find no merit in this application and the same is therefore denied. The appellant to continue serving her sentence until appeal is heard and determined.

Appellant in court

Dated in Nakuru this 16th day of December, 2016.

Maureen A. Odera

Judge