

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISCELLANEOUS CRIMINAL APPLICATION NO.134 OF 2014

JOHN W. BISHOP.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant, John W. Bishop pleads for reduction of sentence that was imposed by the trial court. The Applicant was sentenced to serve thirteen (13) years imprisonment. This was after he was found guilty of trafficking **narcotic drugs** contrary to **Section 4(a)** of the **Narcotic Drugs and Psychotropic Substances Control Act**. His main plea for reduction of sentence is his claim that he is suffering from a terminal disease and other physical ailments that entitles him to remission of his sentence. He does not however admit committing the offence. It's this court's opinion, the Applicant appears not to have come to terms with the fact that the offence that he was convicted of causes misery to many people, particularly the youth. Ms. Aluda for the State is opposed to the application. She is of the view that no reasonable grounds has been laid to persuade this court to reduce the particular sentence.

Having carefully evaluated the rival submission made by the parties to this application, it is clear to this court that in the absence of the applicant acknowledging the crime that he committed, this court cannot exercise its discretion in his favour. He is not remorseful. He appears not to appreciate that the nature of the crime that he was convicted is a serious offences. Even in his country of origin, United States of America, trafficking in narcotic and drugs in some States attracts long sentences. The fact that the applicant is sick cannot be the only reason for this court to exercise leniency on him. I agree with Ms. Aluda that the sentence imposed upon the Applicant was extremely lenient taking into consideration the entire circumstances of the case.

The application lacks merit and is hereby dismissed.

DATED at **NAIROBI** this 16th day of **JUNE** 2015

L. KIMARU

JUDGE