

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. 53 OF 2009

REPUBLIC.....PROSECUTOR

VERSUS

ERICK RUTO AYABEI CHEBOIWO.....ACCUSED

RULING

The accused, Erick Ruto Ayabei Cheboiwo is charged with the murder of Leleito Kibiwot Koima on the 9th June 2009 at Kikamwe Forest in Koibatek District within Rift Valley Province.

The prosecution called five witnesses to prove its case. I have now had opportunity to review the evidence before court, and I am in terms of Section 306(1) of the Criminal Procedure Code (*Cap. 75, Laws of Kenya*), satisfied that the prosecution has established a prima facie case against the accused. I therefore put the accused to his defence, and remind him of his statutory and constitutional rights to -

- (1) *give evidence on oath and be liable to cross-examination by the prosecuting counsel, and to call witnesses,***
- (2) *to give an unsworn statement, and thereby not be subject to cross-examination,***
- (3) *to remain silent.***

I call upon the accused, or his counsel to indicate which of these rights the accused elects to use in his evidence.

Dated, signed and delivered at Nakuru this 30th day of March, 2012

**M. J. ANYARA EMUKULE
JUDGE**