



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT ELDORET  
Criminal Appeal 70 of 2008**

*(From the original conviction and sentence in CM. Criminal case No.1710 of 2008 by the Principal Magistrate Mr. Njagi)*

**ERASTO OKUDO OKOTH:.....APPELLANT**

**VERSUS**

**REPUBLIC:.....RESPONDENT**

**JUDGMENT**

The Appellant herein was charged and convicted on his own plea of guilty in eleven (11) counts of breaking and stealing from a shop. He was sentenced to various terms of imprisonment totaling to 55 years. He appealed praying that the sentence be reduced.

The State concedes the Appeal. A perusal of the judgment clearly shows that the sentences were to run concurrently. That would not lead the Appellant to serve 55 years in prison. Those that computed the term as the Appellant was committed to prison made an error. The conviction stands. Sentences running concurrently would leave the Appellant serving 5 years in prison. I consequently order that he will serve a term of imprisonment of 5 years from the date of conviction and judgment, which is to say from 9<sup>th</sup> September 2008. Appeal succeeds.

Orders accordingly.

**DATED AND DELIVERED AT ELDORET THIS 4<sup>TH</sup> DAY OF MARCH, 2010.**

**P.M.MWILU  
JUDGE**

**IN THE PRESENCE OF:-**

Paul Ekitela - Court clerk  
Present - Appellant  
Kabaka - State counsel