

IN THE HIGH COURT OF KENYA

AT MOMBASA

APPELLATE SIDE

CRIMINAL APPEAL NO.9 OF 2002

**(From Original Conviction and Sentence in Criminal case No.3690 of 2002
of the Resident Magistrate's Court at Mombasa –R. Ndubi, RM)**

**SAMUEL SAYANGA APPELLANT
VERSUS
REPUBLIC RESPONDENT**

30th July, 2002

Coram: Before Hon. Commissioner J. Khaminwa

Appellant in person

State Counsel –Ms. Kwena

Clerk –Esther

Community Service Officer Mrs. M. Ngare:

The Community Service Officer has produced a report which shows that a community service order is not appropriate because he has no fixed place of abode or known next of kin which can provide a point of reference for supervision purposes.

I therefore do not consider the making such order is appropriate.

In the circumstances this appellant shall serve the reduced sentence of 2 ½ years imprisonment from the date of conviction.

Dated at Mombasa this 30th Day of July, 2002.

J. KHAMINWA

COMMISSIONER OF ASSIZE.

Read in court before Appellant and State Counsel Ms. Kwena.

J. KHAMINWA

COMMISSIONER OF ASSIZE