



**Coetzer v Republic (Criminal Revision E055 of 2024)
[2024] KEHC 10832 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10832 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E055 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

ALICIA CHRISTI COETZER APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was brought before me for the decongestion exercise pursuant to the Chief Justice’s memo dated 7/12/2022, which provides that inmates who are serving three (3) years imprisonment or less, or those serving long sentences but have a balance of three (3) years or less may be considered for non-custodial sentences.
2. I have gone through the file and noted that applicant was convicted for the offence of Trafficking in narcotic drugs contrary to section 4(a) of the *Narcotic Drugs and Psychotropic Substances Control* . She was sentenced pay a fine of Kshs. 12,000,000/= in default to serve one year imprisonment. Additionally, she was sentenced to serve 15 years imprisonment. Upon appeal to the High Court, Nzioka J. reduced the Applicant’s sentence to 11 years, effective from 30th July 2018.
3. According to the Recommendation Report from prison dated 7th August 2024, the Applicant has 1 year and 2 months left to complete her sentence. The Report also indicated that the Applicant has been of good behaviour since her admission to prison.
4. The Probation Report was also filed in court with respect to the Applicant. According to the said Report, the Applicant has been receptive of Rehabilitation programs while in prison, she is remorseful and prays that she be granted an early release.
5. The Report further notes that since the Applicant is a South African national with no known fixed abode in Kenya, supervision of a non-custodial sentence would be difficult. The Report recommends that the Applicant be granted an early release, given her positive rehabilitation in prison. The



South African Women Association, in collaboration with the South African Embassy, have expressed willingness to facilitate her repatriation to her country.

6. In view of the foregoing, it is my finding that the applicant is eligible for early release as the both the Probation and Prison Reports found in her favour. The applicant has been in custody for over six (6) years. This, in my view, is sufficient sentence served by the applicant.

7. Consequently, I proceed to order as follows:

I. The applicant shall forthwith be set at liberty unless otherwise lawfully held.

II. As the applicant is a South African national, she shall be handed over to the South African Embassy for repatriation to her country of origin.

III. A report to be filed in court thereof.

It is so ordered.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

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D. KAVEDZA

JUDGE

