



**Okoth v Republic (Miscellaneous Criminal Application
E091 of 2022) [2023] KEHC 3146 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3146 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E091 OF 2022**

RE ABURILI, J

APRIL 12, 2023

BETWEEN

VINCENT ODUOR OKOTH APPLICANT

AND

REPUBLIC RESPONDENT

(Kisumu HCR No 15 of 2010, Constitutional Petition No E19 of 2021)

RULING

1. The Applicant is Vincent Oduor Okoth. He was convicted of the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code* and sentenced to suffer death vide Kisumu HCR No 15 of 2010. Later, the death sentence was reduced to thirty (30) years imprisonment vide Constitutional Petition No E19 of 2021.
2. He now applies for sentence review because he is now 52 years and was 39 years during his arrest, he has been in custody for thirteen (13) years, is completely reformed and rehabilitated, regrets committing the offence, promises not to reoffend. He prays for a lesser or non custodial sentence. That he has trained and acquired life's skills.
3. No testimonials were annexed. Nonetheless, this court having reduced the death sentence to thirty (30) years imprisonments, it has no power to reduce that sentence further and no circumstances call for such reduction or review.
4. I find no merit in the application for sentence review.
5. The application is hereby dismissed.
6. File closed. I so order.

Dated, Signed and Delivered at Kisumu this 12th Day of April, 2023



R. E. ABURILI
JUDGE

