



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CONSTITUTIONAL PETITION NO. 48 OF 2019**

**JOSEPH OWINO OLOO.....PETITIONER**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

*(Being a Petition for resentencing from Siaya Principal Magistrate's Court Criminal Appeal No. 407 of 2010 dated 2.10.2013 and Kisumu Court of Appeal CRA No. 114 of 2013)*

**JUDGMENT**

1. As the Petitioner was handed mandatory death sentence which was upheld by the High Court on Appeal, and as the Petitioner did not file any appeal since, as submitted, he committed the offence but he is remorseful, and as the Francis Muruatetu decision came after his conviction and sentences, I order the Petitioner to appear before the Principal Magistrate's Court at Siaya for mitigation and resentencing in Siaya Principal Magistrate's Court Criminal Case No. 407 of 2010.
2. The trial record to be traced and a production order do issue by the trial court.
3. These proceedings be typed and served on the Principal Magistrate's Court at Siaya for appropriate action.
4. File Closed.

**Dated, Signed and Delivered at Siaya this 22<sup>nd</sup> day of January 2020.**

**R. E. ABURILI**

**JUDGE**

**In the presence of:**

The Petitioner in person

Mr. Okachi SPPC for Respondent

CA: Brenda and Modestar