



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERUGOYA**

**HCCR PETITION NO. 4 OF 2018**

**JOHN MAINA KIMEMIA ALIAS KARICH ..... APPLICANT**

**V E R S U S**

**REPUBLIC.....RESPONDENT**

**RULING**

1. I have considered the petition and the submissions by the State – respondent. I noted that the State has conceded to the application. Since the applicant has been in prison for over 20 years and considering that the appellant did not use violence, and having considered his mitigation, I agree with the State that the sentence already served is sufficient punishment. I refer to the case of **Francis Karioko Muruete –v- R, Petition 15 & 16/2018, S.C.** I review the sentence of death imposed on the applicant, I order that the sentence is reviewed to the period already served. I set the applicant at liberty unless he is otherwise lawfully held.

**Dated at Kerugoya this 8<sup>th</sup> day of May 2020.**

**L. W. GITARI**

**JUDGE**