



**REPUBLIC OF KENYA**

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

**MISC. CRIMINAL APPLICATION NO. 18 OF 2020**

**VINCENT ONYANGO MUSINGO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*From Original Criminal Case No. 987 of 2019 and Criminal Case 369 of 2017 at Bondo Law Courts*

*(Application arising from Judgment delivered vide HC Misc. Criminal Application No. 22 of 2018 at Siaya High Court for resentencing dated 26<sup>th</sup> November 2019 before Hon. Justice R.E. Aburili - Judge)*

**RULING**

1. I have considered the Application by **Vincent Onyango Musingo** and the uncommissioned affidavit.
2. I heard his appeal and upheld the conviction but reduced the death sentence to 50 years imprisonment taking into account his fresh mitigation and circumstances under which the Robbery with Violence crime was committed.
3. This court cannot review its own decision made on resentencing on account of constitutional rights or because his co-convicts appeal was considered differently.
4. The reasons for reconsideration of sentences are on the respective appeal files.
5. Accordingly, I find this application incompetent, misconceived and filed without jurisdiction. The same is hereby dismissed and this file is closed.
6. Orders accordingly.

**Dated, signed and Delivered at Siaya this 22<sup>nd</sup> Day of July, 2020**

**R.E. ABURILI**

**JUDGE**