

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL APPEAL NO. 1 OF 2019 [MANSLAUGHTER]

JOSEPH OMUTERE MALOBA alias PETER.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(From Original Conviction and Sentence in Siaya PM Cr C [S.O.] 510 of 2014

dated 22.5.2015 before Hon. H. Wandere – P.M.)

JUDGMENT

1. This appeal was part heard orally after the Court had warned the appellant that he risked enhancement of sentence should the court find that the conviction was sound. The appellant however insisted and proceeded with the oral submissions and later intimated to Court that he wished to withdraw the appeal against conviction and sentence. The Prosecution had no objection to such withdrawal.

2. Accordingly, this appeal against conviction and sentence is hereby marked as wholly withdrawn and the Appellant to serve the 10 years Prison sentence imposed on him. Subject to his good character and conduct and industry in prison, he may earn remission from the prison authorities.

3. File Closed.

4. Orders accordingly.

Dated, signed and delivered at Siaya this 13th Day of November, 2019.

R.E. ABURILI

JUDGE

In the presence of:

The appellant in person

Mr. Okachi Snr Principal Prosecution Counsel for the State

CA: Brenda and Modestar