

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CONSTITUTIONAL PETITION NO. 36 OF 2019

FREDRICK SUMBA WAMEYO.....PETITIONER

VERSUS

REPUBLIC.....PROSECUTOR

(Being an application for resentencing delivered in Kisumu HCCRC No. 18 of 2008 dated 29th June, 2016 by Hon. Justice D.S. Majanja – J.)

JUDGMENT

1. The Petitioner was convicted and sentenced to death for **Murder in Kisumu HCCRC No. 18/2008**. This was vide a Judgment delivered on 29.6.2016 by D.S. Majanja – J., and written by Hon. H.K. Chemitei J. He has not appealed, albeit he now says he would have pleaded guilty to manslaughter, It is too late for this Court. This Court is devoid of jurisdiction to review its own order on conviction and sentence before the Court of Appeal pronounces itself on the matter.

2. Accordingly, this Petition is found to be devoid of merit. It is hereby dismissed.

3. Orders accordingly

Dated, Signed and Delivered at Siaya this 10th day of December, 2019.

R.E. ABURILI

JUDGE