



**Nyakorema v Republic (Criminal Application E161 of 2024)
[2025] KECA 1612 (KLR) (3 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1612 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E161 OF 2024
HA OMONDI, JA
OCTOBER 3, 2025**

BETWEEN

MARKO MWITA NYAKOREMA APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application seeking leave to appeal out of time from the judgment of the High Court of Kenya at Migori (Majanja, Nagillah, JJ.) dated 13th February 2015 in HCCRA 78 of 2014)

RULING

1. Marko Mwita Nyakorema, the applicant herein, was convicted on a charge of robbery with violence, and sentenced to death by the magistrate's court at Kehancha. He filed an appeal against conviction and sentence which was dismissed in its entirety on 13th February by the High Court sitting in Migori (Nagillah, Majanja, JJ.). He did not file an appeal against this outcome saying his relatives had promised to engage an advocate to pursue the appeal on his behalf, but this never happened due to financial constraints. However, he still harboured a desire to pursue a second appeal before this court, but realised that the time within which to do so had long elapsed.
2. Consequently, by a Notice of Motion dated 1st July 2024, he sought for extension of time within which to file the appeal pointing out that the first appellate court had failed to consider jurisprudential developments regarding the mandatory death sentences. He had filed written submissions, which were responded to by Miss Ikol learned prosecution counsel on behalf of the respondent.
3. Subsequent to all this, the applicant has sought to withdraw the application, vide a Notice of withdrawal dated 3rd April 2025, in which he explains that the very orders he seeks were granted to him by the High Court (Onginjo, J.) in Migori HCR Misc. Appl. E086 of 2024, so the issue is spent. The respondent did not react to this prayer for withdrawal, but in any event, it occasions no prejudice.



Consequently, the application be and is hereby marked as withdrawn under Rule 70 (1) of the Court of Appeal Rules.

DATED AND DELIVERED AT KISUMU THIS 3RD DAY OF OCTOBER, 2025.

H. A. OMONDI

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR

