



REPUBLIC OF KENYA



**KENYA LAW**  
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**Otieno v Republic (Criminal Petition E013 of 2025)  
[2025] KEHC 13966 (KLR) (6 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13966 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL PETITION E013 OF 2025  
DR KAVEDZA, J  
OCTOBER 6, 2025**

**BETWEEN**

**DAVID OWINO OTIENO ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Petitioner was convicted of the offence of robbery with violence contrary to Section 296(2) of the [Penal Code](#) in Kibera Chief Magistrate's Court Criminal Case No. 5960 of 2005 and sentenced to death. His appeal before this Court was dismissed. He is currently serving a life sentence.
2. The Petitioner has now filed the present petition dated 12<sup>th</sup> June 2025 seeking a further resentencing, citing the fact that he has been in custody for 23 years and argues that this period has allowed for full rehabilitation.
3. I have considered the petition, the grounds in support and the applicable law. From the record of the trial court, the court considered the petitioner's mitigation, and that he was a first offender before sentencing. Having considered the petition in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The petition dismissed for lacking in merit.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 6<sup>TH</sup> OCTOBER 2025**

**D. KAVEDZA**

**JUDGE**

