



**Otieno v Republic (Miscellaneous Criminal Application E028 of 2025)
[2025] KEHC 15302 (KLR) (17 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15302 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS CRIMINAL APPLICATION E028 OF 2025
WM MUSYOKA, J
OCTOBER 17, 2025**

BETWEEN

WILLIAM OWINO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant herein had been convicted, in Busia CMCCRC No. 57 of 2007, on 4 counts of robbery with violence, contrary to section 295, as read with section 296(2), of the Penal Code, Cap 63, Laws of Kenya. He was sentenced to death, which sentence was later commuted to life imprisonment. He filed an appeal, in Busia HCCRA No. 74 of 2012, which was dismissed.
2. After the dismissal of his appeal, in Busia HCCRA No. 74 of 2012, he moved this court, in Busia HC Criminal Petition No. E015 of 2023, for review of his sentence. I reviewed his sentence, from life imprisonment, to 30 years, based on Julius Kitsao Manyeso vs. Republic Malindi CACRA No. 12 of 2021 (Nyamweya, Lesiit & Odunga, JJA) and Evans Nyamari Ayako vs. Republic Kisumu CACRA No. 22 of 2018 (Okwengu, Omondi & J. Ngugi, JJA), with the 30 years counting from the date of his arrest.
3. He has come back, by the instant application, which is undated, seeking further review of sentence. I do not have jurisdiction to do that which he invites me to do. He should be pursuing parole and clemency under the exercise of the prerogative of mercy, which are only available from the Executive branch of government.
4. The result is that the application before me, is without merit. I hereby dismiss it. This file shall be closed. The Deputy Registrar shall cause a certified copy of this ruling to be made available to the applicant, through the officer commanding the prison where he is being held. Orders accordingly.



DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 17TH DAY OF OCTOBER 2025.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Mr. Willaim Owino Otieno, the applicant, in person.

Advocates

Mr. Tony Onanda, instructed by the Director of Public Prosecutions, for the respondent.

