



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: E. M. GITHINJI, JA. (IN CHAMBERS))

CRIMINAL APPLICATION NO 14 OF 2018

BETWEEN

DOUGLAS LIYAI.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(Being an Application from the Judgment of the High Court of Kenya

at Kakamega arising from the Original Criminal Case No. 358 of 2012

at Hamisi Law Courts

in

KAKAMEGA H.C.CR.A. NO. 9 OF 2013)

RULING

The applicant Douglas Liyai applies for extension of time within which to file a notice of appeal. He was convicted of the offence of defilement and sentenced to 20 years imprisonment on 15th January, 2013.

His appeal to the High Court against conviction and sentence was dismissed sometime in 2016. He attributes the delay to file the appeal to be due to the promise by his family to engage a lawyer to file an appeal on his behalf and which they failed to fulfil due to financial constraints. **Ms. Wafula** for the respondent does not oppose the application.

As the applicant is serving a long prison term and as the reasons he has given for delay have not been controverted, I allow the application in the interest of justice.

Accordingly, the application is allowed. Time to file a notice of appeal is extended. The applicant to file the notice of appeal within the next fourteen (14) days.

DATED and Delivered at Kisumu this 12th day of November, 2018.

E. M. GITHINJI

.....

JUDGE OF APPEAL

I certify that this is a true copy

of the original

DEPUTY REGISTRAR