



**IN THE COURT OF APPEAL**

**AT KISUMU**

**(CORAM: MARAGA, JA (IN CHAMBERS))**

**CRIMINAL APPLICATION NO. 2 OF 2015**

**BETWEEN**

**MERCELLA NYABONYI OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An Application for extension of time to file Notice of Appeal out of time from the judgment of the High Court of Kenya at Kisii*

**in**

**H.C.C.R.A. NO. 7 OF 2012)**

**\*\*\*\*\***

**RULING**

1. **MARCELLA NYABONYI OTIENO** (the applicant) was upon trial for the offence of robbery with violence contrary to **Section 295** as read with **Section 296 (2)** of the Penal Code convicted and sentenced to life imprisonment. Her appeal to the High Court at Kisii was, on 30<sup>th</sup> December 2013 dismissed. She has applied to this Court for leave to appeal out of time.
2. In the body of her application and affidavit in support, the applicant claims that the failure to appeal in time was occasioned by her family members who promised to engage an advocate for her but did not.
3. As Mr. Majale, learned state counsel, has, in the interest of justice, no objection, I allow the application. The applicant shall file her notice of appeal within fourteen days of the date hereof.

**DATED and delivered this 21<sup>st</sup> day of May, 2015.**

**D.K. MARAGA**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**