



**IN THE COURT OF APPEAL
AT KISUMU**

(CORAM: {GITHINJI, MUSINGA & KANTAI. JJ. A})

CRIMINAL APPEAL NO. 530 OF 2010

BETWEEN

GEORGE OTIENO OKUMU.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from a Judgment of the High Court of Kenya at Kisii, (Asike- Makhandia, J.) dated 30th November, 2010

in

HCCRA NO. 3 OF 2008)

JUDGEMENT OF THE COURT

The appellant, George Otieno Okumu, was charged and convicted of the offence of rape by the learned trial magistrate (E. K. Mwita) and was sentenced to serve twenty years imprisonment in the judgement delivered on 21st January 2008. His first appeal was dismissed by the High Court (Asike- Makhandia, J- as he then was) on 30th November, 2010.

In the Memorandum of Appeal to this court the appellant in essence states that since conviction and sentence he has reformed and changed his ways and thus prays that we reduce or review the sentence imposed by the trial court. He further states that he does not challenge conviction and sentence at all.

Section 361 (1) (a) of the Criminal Procedure Code limits our jurisdiction to issues of law only and severity of sentence is a matter of fact. The maximum sentence for the offence of rape in the Penal Code is life imprisonment.

The appellant was sentenced to serve twenty years imprisonment after he was convicted of the offence of rape. This was a lawful sentence and we cannot interfere with it.

The appeal has no merit and we accordingly dismiss it.

Dated and Delivered at Kisumu this 21st day of March, 2014.

E. M. GITHINJI

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JUDGE OF APPEAL

D. MUSINGA

.....

JUDGE OF APPEAL

Sole KANTAI

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR