

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: LAKHA, BOSIRE & KEIWUA JJ.A)

CRIMINAL APPEAL NO.120 OF 2002

BETWEEN

CLEOPHAS ONYANGO OLAJOAPPELLANT

AND

REPUBLICRESPONDENT

**(Appeal from a judgement of the High Court of Kenya at
Nairobi (Mr. Justice E. Owuor & S.O. Oguk JJ.) dated
18th November 1997**

in

H.C.CR.A. NO.1043 of 1997

ORDER OF THE COURT

The appellant's appeal is against conviction and sentence. As the sentence against the appellant is capital by the practice of this Court he is entitled to legal representation either at his expense if he can afford it or on a pro bono basis. The counsel who was assigned to him by this Court one Ndege, has not attended court today although he was duly notified. We do not have any explanation for his nonattendance. That being the case, and there being no other counsel present and ready to represent the appellant, we are unable to proceed with the hearing of this appeal. It is accordingly taken out of today's hearing list and stood over to an early date to be refixed at the Registry. Mr. Ndege to give a written explanation to the Court as to his failure to attend court today which explanation should reach us within 14 days from today's date. The Deputy Registrar to notify him of this order.

Made at Nairobi this 4th day of December, 2002

A.A. LAKHA

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

M. OLE KEIWUA

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR