

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OWUOR, J.A (IN CHAMBERS)

CRIMINAL APPLICATION NO. NAI. 24 OF 1999

BETWEEN

1. JEREMIAH WANGOMBE WACHIRA)

2. ANDREW MACHARIA KIRATHO) APPLICANTS

AND

REPUBLIC RESPONDENT

**Application for extension of time to file record of
appeal out of time from judgment of the High Court
of Kenya at Nakuru (Mr. Justice Rimita & Mr. Justice
Mulwa) dated 1st October, 1999**

in

H.C. Criminal Appeal No. 158 of 1997)

R U L I N G

The application, although not stated has been brought before me under rule 4 of the rules of this Court. The applicant, Jeremiaah Wangombe Wachira, is asking for leave to file his memorandum of appeal out of time. His appeal against conviction and death sentence having been dismissed by the superior court on 1st day of October, 1999.

Mr. Okumu appearing for the state has not objected to the application. The applicant filed his Notice of appeal within time thereby demonstrating his intention to appeal. The reason he gives for not filing his memorandum of appeal in time is that he depended on his relatives who had promised to secure the services of a counsel to follow up the appeal for him. This did not happen hence the delay.

For a person who is in prison with no access to funds of his own, there is a genuine problem of finding money to engage an advocate to follow up an appeal. I am satisfied that the applicant has sufficiently explained the delay in filing his memorandum of appeal. I will grant him the leave sought and order that he files his memorandum of appeal within seven days from today's date.

Dated and delivered at Nairobi this 7th day of February, 2000.

E. OWUOR

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR