



**REPUBLIC OF KENYA**

**IN THE COURT OF APPEAL**

**AT KISUMU**

**(CORAM: AKIWUMI, TUNOI & KEIWUA, JJ.A.)**

**CRIMINAL APPEAL NO. 150 OF 2000**

**BETWEEN**

**LEMMY OWUOR OCHIENG**

**AYUB OTIENO WERE ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**(Appeal from a judgment of the High Court of Kenya at  
Kisumu (Wambiliyangah, J.) dated 12th March, 1999**

**in**

**H.C.CR.APPEAL NO. 262 & 263 OF 1998)**

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

**RULING OF THE COURT**

The present appeal against the appellant's conviction on two counts of robbery is hereby marked withdrawn. The appellant be at liberty after taking the right steps to appeal against his conviction for attempted rape which is not now before this court.

**Dated and delivered at Kisumu this 20th day of November, 2000.**

**A. M. AKIWUMI**

**JUDGE OF APPEAL**

**P. K. TUNOI**

**JUDGE OF APPEAL**

**M. KEIWUA**

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**