



**Madiori v Republic (Miscellaneous Criminal Application E087 of 2023) [2024] KEHC 555 (KLR) (26 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 555 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E087 OF 2023**

**RE ABURILI, J  
JANUARY 26, 2024**

**BETWEEN**

**BRAYAND MADIORI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Arising from the original conviction and sentence in High Court Criminal Case No. 05 of 2018 at Kisumu)*

**RULING**

1. I have considered the application by the convict Brayand Madiori dated and filed on 22<sup>nd</sup> December 2023. The Applicant seeks for orders that the 4 years and 5 months and 17 days spent in custody before being sentenced to 8 years’ imprisonment in Kisumu High Court Criminal Case No. 05 of 2018 be considered in sentencing.
2. However, there are no copies of proceedings and judgment annexed yet the Applicant/Convict claims that he appealed *vide* Kisumu HCCRA No. 270 of 2018.
3. I am unable to consider the application which is not supported by any material.
4. Application is dismissed but the applicant can file a fresh application which is supported by evidence of when he was arrested and sentenced.
5. Signal to issue. File closed. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 26<sup>TH</sup> DAY OF JANUARY, 2024**

**R. E. ABURILI**

.....



**JUDGE**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

