COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

MCCrApp & CAIS No. 219 of 2025

Elpetio Thompson

Intended Appellant

vs

The Commissioner of Police

Intended Respondent

(Extension of Time;
Substantive Appeal)

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MCCrApp & CAIS No. 244 of 2025

Elpetio Thompson

Intended Appellant

vs

The Commissioner of Police

Intended Respondent

(Extension of Time;
Substantive Appeal)

Before: The Hon Mr Justice Turner, JA
The Hon Madam Justice Fraser, JA
The Hon Mr Justice Hilton, JA

Appellant appeared Pro Se
Ms Cordell Frazier, Madam DPP, with Ms Eurika Coccia, Counsel for Respondent

8 September 2026

The oral judgment of the court was delivered by

Hilton, JA:

These are two applications to extend the time to appeal in two separate matters: Magistrate's Court, Criminal Appeal No. 219 of 2024, the offence of wantonly discharging a firearm, to which, on a guilty plea, the intended appellant was sentenced to 30 months. As a result of a plea deal, however, prior to the sentence, it was agreed between the intended appellant and the then-prosecutor in the court below that the plea would take place on the understanding that the intended appellant would only actually serve 18 to 20 months in the Department of Corrections on the misunderstanding or misconstruing of the law by the prosecution in the Magistrate's Court that a remission for good behaviour could be taken off, and, therefore, a sentence would be reduced in that regard.

In this particular application, the intended respondent, the DPP, does not oppose the application to extend the time; and after the verification through affidavit evidence by the prosecutor in the Magistrate's Court, they also do not oppose the resentencing of the intended appellant in accordance with the understanding that the plea was entered into.

In the circumstances with respect to Magistrate's Court, Criminal Appeal No. 219 of 2025, this court will accede

to the application to extend the time to appeal, and, in the circumstances, having read the submissions of the intended respondent and having heard the intended appellant, we will also quash the sentence of 30 months and substitute a sentence of 20 months to take effect from the date of the original sentence in February of 2025. On a proper construction of a 30-month sentence, even if remission was given, it would not amount to 18 months but 20 months. That is why we imposed the 20 months.

With respect to the second application, Magistrate's Court, Criminal Appeal No. 244 of 2025, the intended appellant was charged in 2021 and went through a trial with several different adjournments, with witnesses giving evidence up to the close of the prosecution's case; and at that point in 2025, he changed his plea to guilty for both offences: possession of firearm and possession of ammunition. At that juncture, after the magistrate heard submissions on sentencing from each side, he was sentenced to 24 months for possession of an unlicensed firearm and 24 months for possession of ammunition. He did not seek to appeal that sentence within the prescribed time; hence, the application is to extend the time within which to appeal.

Again, having reviewed these submissions, written submissions by the intended respondent, who opposes this application to extend the time, and after hearing from the

intended appellant himself, this court is of the view that an appeal of this sentence has no prospects of success. The application to extend the time within which to appeal is hereby refused.

The conviction and the sentence, in particular, which was sought to be appealed, of 24 months, certainly is on the lower end where you go through a full trial. We see no reason to differ from the view that has been expressed with the sentence of 24 months for each of the two counts: possession of an unlicensed firearm and possession of ammunition.

In the circumstances, the application to extend the time is refused, and that appeal is dismissed.

Dated this 8th day of September, 2026

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HILTON, JA

Turner, JA:

The orders of the court are, as indicated in the two oral decisions:

In respect of Appeal No. 219 of 2025, the appeal is allowed, and the sentence is varied, as indicated.

In respect of Appeal No. 244 of 2025, the

application for leave to appeal is dismissed, and the conviction and sentence are affirmed.

Dated this 8th day of September, 2026

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TURNER, JA

ss