

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

MCCrApp & CAIS No. 268 of 2018

Dave Coakley

Appellant

vs

The Commissioner of Police

Respondent

(Substantive Hearing; Continuation)

Before: The Hon Sir Michael Barnett, President, Kt  
The Hon Mr Justice Evans, JA  
The Hon Madam Justice Bethell, JA

Appellant appeared Pro Se  
Ms Erica Kemp, Counsel for Respondent

22 April 2021

1 The oral judgment of the court was delivered by

2 The Hon Sir Michael Barnett, P, Kt:

3 This is an appeal against sentence by  
4 Mr. Dave Coakley. On 3rd July, 2018 he appeared before  
5 Magistrate Debbye Ferguson in Grand Bahama and pled guilty to  
6 various offences of housebreaking and stealing. In each  
7 docket there were two counts, one for housebreaking and one  
8 for stealing; and the magistrate imposed sentences for each  
9 count which were to run consecutive to each other.

10 Unfortunately, that has been construed by the  
11 authorities that Mr. Coakley was to serve a sentence  
12 consecutive to each count in the different dockets that were  
13 before the magistrate. This is clearly an error. To the  
14 extent that the magistrate imposed consecutive sentences, they  
15 could only be consecutive sentences to each count on each  
16 particular docket. Therefore, the maximum the appellant ought  
17 to have served in prison would have been 6 plus 4 or 6 plus 6,  
18 which would at the most be 1 year. He has served that 1 year  
19 and, therefore, he is entitled to be released.

20 This appeal against sentence is allowed and the  
21 appellant is ordered to be released unless he is being held on  
22 convictions other than those on 3rd July, 2018 which is the  
23 subject of this appeal.

24 Dated this 22nd day of April, 2021

25

---

SIR MICHAEL BARNETT, P, Kt