

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. 171 of 2022

Wilton Charles Colebrooke
Appellant

vs

The Commissioner of Police
Respondent

(Extension of Time;
Substantive Appeal)

Before: The Hon Mr Justice Isaacs, JA
The Hon Madam Justice Crane-Scott, JA
The Hon Mr Justice Jones, JA

Appellant appeared Pro Se
Ms Darnell Dorsette, Counsel for Respondent

8 March 2023

1 The oral judgment of the court was delivered by

2 Isaacs, JA:

3 The court has considered the intended appellant's
4 application. It appears that he was convicted of indecent
5 assault and indecent exposure on 11th January, 2022. He was
6 sentenced to two (2) years' imprisonment for the indecent
7 assault and three (3) months' imprisonment for the indecent
8 exposure, and the sentences were to run concurrently. The
9 intended appellant did not file an appeal until 2nd December,
10 2022, which is some 324 days after he was convicted after the
11 time for appealing, because he only had seven days within
12 which to appeal his sentences or convictions.

13 However, inasmuch as he has pleaded guilty, he is
14 essentially precluded from challenging his convictions unless
15 he can show that he was oppressed, and he has not done so.
16 The intended appellant has not even complained about being
17 oppressed or any other extenuating circumstance which would
18 suggest that his convictions were or his plea of guilty was
19 equivocal.

20 In the circumstances, the intended appellant has no
21 chance of overturning his convictions.

22 As regards his sentence, I have already indicated
23 that he had two previous convictions for indecent assault, the
24 first of which he received a sentence of some sixteen
25 (16) months or so, and the second he received a sentence of

1 three (3) months.

2 It cannot be said, therefore, that the sentence of
3 two (2) years imposed by the learned magistrate fell outside
4 the range of sentences that were available to her in the
5 circumstances of his case. Those persons who have previous
6 convictions for the same offence are liable to greater
7 penalties should they be convicted again for that same
8 offence.

9 In the circumstances, the application for leave to
10 appeal out of time lacks any prospect of success or shows no
11 prospects of success and, in the circumstances, the
12 application for leave to appeal out of time is denied.

13 The convictions and sentences of the learned
14 magistrate continue in place.

15

16

17

18

Dated this 8th day of March, 2023

19

20

21

ISAACS, JA

22

23

24 ss

25