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COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCrApp & CAIS No. 274 of 2015

Ishmael Pratt

Intended Appellant

vs

Regina

Respondent

(Extension of Time)

Before: The Hon Sir Hartman Longley, President, Kt
The Hon Mr Justice Isaacs, JA
The Hon Mr Justice Evans, JA (Actg)

Mr Stanley Rolle, Counsel for Intended Appellant
Ms Darnell Dorsette, Counsel for Respondent

6 February 2019

1 The oral judgment of the court was delivered by
2 Isaacs, JA:

3 On 12th September, 2014, the appellant was convicted
4 of burglary. He was found not guilty of stealing, which was
5 the second count.

6 On 17th December, 2014, he was sentenced to eight
7 (8) years' imprisonment. He filed his appeal on 24th
8 November, 2015, which is outside the period mandated for
9 bringing an appeal against a conviction. This meant that he
10 had to make an application for leave to appeal out of time.
11 The appellant filed the requisite papers, submissions have
12 been made.

13 The factors that a court takes into account when
14 considering such an application are well-known, having been
15 enunciated in the decision of this court in *Omar Chisholm v*
16 *The Queen*: the length of the delay, the reason for the delay,
17 the prospects of success and any prejudice inuring to the
18 respondent.

19 We are satisfied that the real crux of this
20 application is the appellant's prospects of success. We have
21 reviewed the proposed grounds. We are satisfied that there is
22 no merit in any of the grounds advanced on behalf of the
23 appellant.

24 We readily accept that there is a discretion in
25 a court prior to the completion of the summing-up to call

1 a witness or re-open the case either for the prosecution or
2 the defence. However, we are not satisfied that the judge
3 erred in proceeding, as she did, inasmuch as there was no
4 request made of her to re-open the defence's case, and we are
5 satisfied that there is no onus on the judge to do so of her
6 motion or ipse dixit.

7 In the circumstances, as the prospects of success
8 are nil, in our view the application for leave to appeal out
9 of time is dismissed.

10 The conviction and sentence are affirmed.

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Dated this 6th day of February, 2019

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ISAACS, JA

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21 ss

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