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COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

MCCrApp & CAIS No. 50 of 2020

Kesner Lexidor

Appellant

vs

The Commissioner of Police

Respondent

(Substantive Appeal)

Before: The Hon Sir Michael Barnett, President, Kt  
The Hon Mr Justice Isaacs, JA  
The Hon Mr Justice Jones, JA

Mr Ian Cargill, Counsel for Appellant  
Ms Olivia Nixon, Counsel for Respondent

4 February 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. In this case  
4 the appellant was convicted in February of 2017 for a term of  
5 five years' imprisonment for possession of a firearm and for  
6 possession of dangerous drugs. The five-year sentence was to  
7 run from the date of conviction. However, the appellant had  
8 spent a year on remand, and that one-year remand was not taken  
9 into account by the magistrate when the magistrate imposed the  
10 five-year sentence.

11 It is settled law that the period of remand should  
12 be taken into account when determining the sentence, and the  
13 fact that that was not done justifies the court interfering  
14 with the five-year sentence that has been imposed.

15 In the circumstances, the appeal is allowed. The  
16 five years will have commenced from 16th February, 2016, which  
17 would mean that the appellant should be released on  
18 16th February, 2021.

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20 Dated this 4th day of February, 2021

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SIR MICHAEL BARNETT, P, Kt

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25 cn