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COMMONWEALTH OF THE BAHAMAS  
IN THE COURT OF APPEAL  
SCCrApp & CAIS No. 264 of 2018

Tiano D'Hait

Appellant

vs

Regina

Respondent

(Arguments - Re: Retrial)

Before: The Hon Sir Michael Barnett, President  
The Hon Mr Justice Isaacs, JA  
The Hon Sir Brian Moree, CJ

Ms Brendalee Rae, Counsel for Appellant  
Ms Kendra Kelly, Counsel for Respondent

14 December 2020

1 The oral judgment of the court was delivered by

2 Sir Michael Barnett, P:

3 We have heard the oral submissions of counsel and we  
4 have also considered the written submissions that were  
5 previously provided to the court. We are familiar with the  
6 jurisprudence in Reid v The Queen UKPC Appeal No. 37 of 1977  
7 and we are satisfied that, in the circumstances of this case,  
8 a retrial is the proper order.

9 The basis upon which the appeal was allowed was not  
10 because of any prosecutorial misconduct, it was rather because  
11 of failures or difficulties in the direction of the judge to  
12 the jury, and, as we indicated, that having regard to the fact  
13 that the appellant never challenged the refusal of the judge  
14 to accede to the no-case submission, it does not appear to us  
15 that you can say in this particular case that there was no  
16 evidence adduced which could properly result in a conviction  
17 if the jury was properly directed.

18 In those circumstances, we are satisfied that, in  
19 the interest of justice, this matter should be remitted to the  
20 Supreme Court for a retrial.

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22 Dated this 14th day of December, 2020

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SIR MICHAEL BARNETT, P

25 ss