



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ SENDS BARBADOS CRIMINAL APPEALS BACK FOR HEARING

The Caribbean Court of Justice today delivered its decision in four jointly heard applications for leave to appeal arising out of Barbados. The Court directed that all four appeals be given an expedited hearing in the Barbados Court of Appeal. In so doing, the Court also clarified the interpretation of a crucial statutory provision which had, prior to today, never been judicially ventilated in Barbados.

The appellants had been convicted of drug-related offences and sentenced to imprisonment terms that ranged from 15 to 30 years. Their appeals against conviction, having been filed 35 to 215 days after the jury verdict, were subsequently rejected by the Court of Appeal as out of time, i.e. outside the 21-day time limit prescribed by the Criminal Appeal Act of Barbados. The CCJ did not agree with the Court of Appeal. It held that, in the context of this provision, the words “21 days after conviction” should be read as “21 days after sentence” as the sentence ultimately entails a judicial determination of guilt. Accordingly, the CCJ concluded that the time to appeal against a conviction only expires when 21 days have elapsed from the date of sentence. Thus, three of the appellants’ applications for leave to appeal were indeed filed within the prescribed time.

With respect to the fourth appellant, the CCJ held that the Court of Appeal had wrongly refused to extend the time. The Court was of the view that the Court of Appeal had jurisdiction to deal with that application and there was no abuse of process. The Court held that the Court of Appeal should have taken into account the merits of the proposed appeal and the exceptional circumstances of the case. In that respect, the CCJ noted that, during a period of five years, the case had come before that court several times while the point of lateness of the appeal was never raised.

In directing the Court of Appeal to hear the appeals expeditiously, the CCJ pointed out the fact that the appellants who were sentenced to 15 years would complete their terms in March 2016, possibly without their appeals being heard. The Court cited this as an example of the “inordinate systemic delay” of the Barbados judiciary and advocated, once again, that steps be taken to address this situation. A dissenting opinion was given in the case by Justices Nelson and Rajnauth-Lee who offered a differing view as to the interpretation of the relevant section of the Criminal Appeal Act.

The full decision of the Court can be accessed via the CCJ’s website at www.caribbeancourtjustice.org.

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