

**IN THE CARIBBEAN COURT OF JUSTICE  
Appellate Jurisdiction**

**ON APPEAL FROM THE COURT OF APPEAL OF BARBADOS**

**CCJ Application No BBCR2015/003  
BB Crim. Appeal No 2 of 2009**

**BETWEEN**

**GAVIN WAYNE GREEN**

**APPLICANT**

**AND**

**THE QUEEN**

**RESPONDENT**

**Before the Honourables:-**

**Mr Justice Nelson  
Mr Justice Wit  
Mr Justice Hayton**

**Appearances**

**Mr Marlon M Gordon and Ms Safiya Moore for the Applicant**

**Mr Charles Leacock, QC and Mr Anthony L Blackman for the Respondent**

**JUDGMENT**

**of**

**The Honourable Justices Nelson, Wit and Hayton**

**Delivered by**

**The Honourable Mr Justice Nelson**

**on the 29<sup>th</sup> day of July, 2015**

[1] For the reasons given in the judgment of this Court in *Rambarran v The Queen*<sup>1</sup> the Court makes the order set out below.

**Order**

[2] Special leave is granted to the Applicant to appeal against the orders of the Court of Appeal dated February 5, 2015 and March 13, 2015 limited to the following points:

- (1) Whether the time for appealing pursuant to section 19(1) of the Act against a conviction begins to run from the date of conviction or from the date of sentence.
- (2) Whether on the facts of this case the Court of Appeal properly refused to enlarge the time for appealing against conviction pursuant to section 19(2) of the Act in favour of an applicant who had filed a notice of appeal against conviction which had been dismissed by the court as being out of time.

[3] Special leave to the Applicant to appeal as a poor person is hereby granted.

/s/ R. Nelson  
**The Hon Mr Justice R Nelson**

/s/ J. Wit  
**The Hon Mr Justice J Wit**

/s/ D. Hayton  
**The Hon Mr Justice D Hayton**

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<sup>1</sup> CCJ Application No. BBCR2015/002