

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

ON APPEAL FROM THE COURT OF APPEAL OF BARBADOS

**CCJ Application No BBCR2015/004
BB Crim. Appeal No 2 of 2010**

BETWEEN

SOMWATTIE PERSAUD

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 29th day of July, 2015

[1] For the reasons given in the judgment of this Court in *Rambarran v The Queen*¹ 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

¹ CCJ Application No. BBCR2015/002