



THE COURT OF APPEAL

**Peart J.
Sheehan J.
Hedigan J.**

Record Number: 4/2017

Between/

The People at the Suit of the Director of Public Prosecutions

Defendant

- and -

Timothy Walsh

Applicant

Judgment of the Court (ex tempore) delivered on the 6th day of March 2017 by Mr. Justice Peart

1. Behind this application for an extension of time to appeal is a very tragic incident whereby a person was very, very badly injured as a result of the driving of the applicant.
2. On the 30th July 2014 the applicant was sentenced to four years imprisonment with the final twelve months suspended and he was disqualified from driving for a period of fifteen years.
3. He was released from imprisonment on the 16th January 2016 which was an early release but nevertheless he was released and to his credit, I suppose, he has taken up employment or succeeded in getting employment in Haulbowline as we are informed.
4. The fact that he is unable to obtain a driver's licence, the impact of that has become very apparent to him according to the grounding affidavit for this application for an extension of time.
5. He explains in his grounding affidavit that although he got advice from his legal team after the sentence of imprisonment was imposed, his focus was on the imprisonment element of that sentence and not the disqualification from driving element. He received advice that given the circumstances of the offence the period of imprisonment itself was not something that warranted an appeal on the basis of severity. But he did not apply his mind apparently to the question of the length of the disqualification and, as counsel has pointed out on this application, a person cannot apply for a restoration of his driving licence until a minimum of two thirds of the period of the disqualification has passed.
6. In this particular case it is explained that the applicant is, I think, currently aged forty nine years and therefore by the time the full period of fifteen years disqualification would pass he would be effectively towards the end of his working life and even two thirds of that period would bring him into his late fifties, I presume. So the application now is for an extension of time to appeal that part of the sentence which disqualified him from driving for a period of fifteen years.
7. The court has to a large extent excluded from its consideration what appear to be very significant aggravating factors but the merits of the appeal are really a matter for any appeal hearing that would take place in the future.
8. The question is whether an extension of time for appeal should be granted on the basis of what is said by the applicant in his grounding affidavit and although it is what I would describe as a close run thing given the reason for the fact that no appeal was lodged, nevertheless the court is of the view that the justice of the situation merits him being granted a short extension of time within which to appeal the length of the disqualification.
9. In those circumstances a period of twenty one days will be allowed from today's date to lodge an appeal and thereafter the appeal will take its course in the Court of Criminal Appeal with presumably directions as to legal submissions and so on to be filed. That will be the order of the court.