POLICE PROFICIENCY CRIMINAL LAW LECTURE



LECTURE PRESENTATION & PREPARATION BY:

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SUPERINTENDENT OF POLICE:

POLICE TRIBUNAL COURT OF ENQUIRY

LEARNING GOAL

- To emphasize the importance of understanding the elements of crime.

BY THE END OF THIS LESSON YOU SHOULD BE ABLE TO:

- Correctly analyze/assess components of offences.
- Reacquaint yourself with the various authorities/ powers that are afforded to you as a police officer.

SECTION 48 OF THE PENAL CODE CHAPTER 84

- A person is guilty of fraudulent breach of trust if he dishonestly appropriates a thing the ownership of which is vested in him as a trustee for any other person.

- *CASE LAWS*

- (1) COMMONWEALTH OF THE BAHAMAS IN THE COURT OF APPEAL SCCrApp & CAIS No. 98 of 2012 ***(13 May 2015; 2 September 2015)***

- **RALPH JAN WARD VS ATTORNEY GENERAL**
  - *https://www.courtofappeal.org.bs/download/070340600.pdf*

SECTION 56 OF THE PENAL CODE CHAPTER 84

- A person who appropriates a thing which appears to have been lost by another person is not guilty of stealing it, unless —

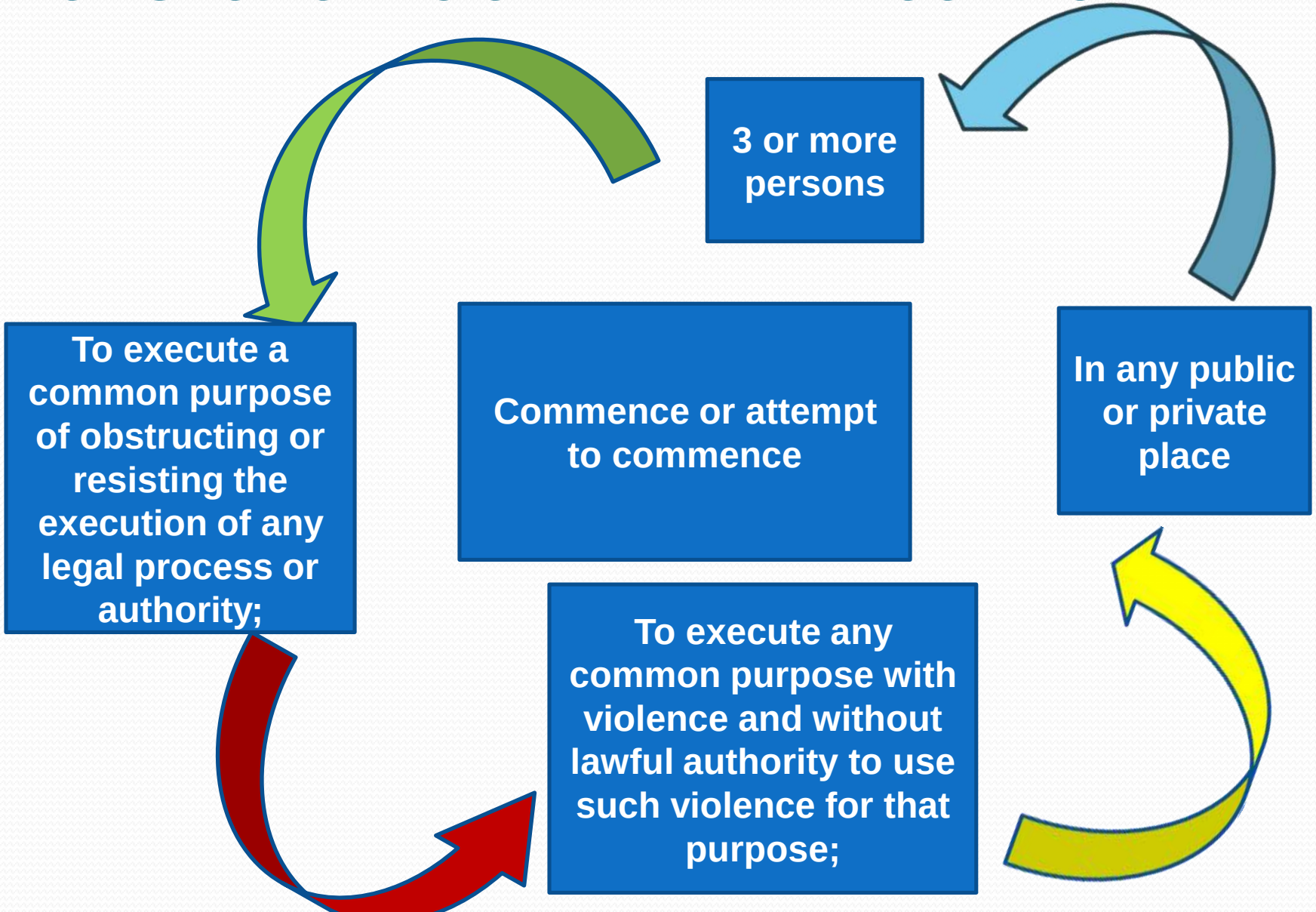
- (1) At the time of appropriating it, he knows who is the owner of the thing or by whom it has been lost;

- (2) The character or situation of the thing, or the marks upon it, or any other circumstances is or are such as to indicate the owner of the thing or the person by whom it has been lost;

SECTION 56 OF THE PENAL CODE CHAPTER 84

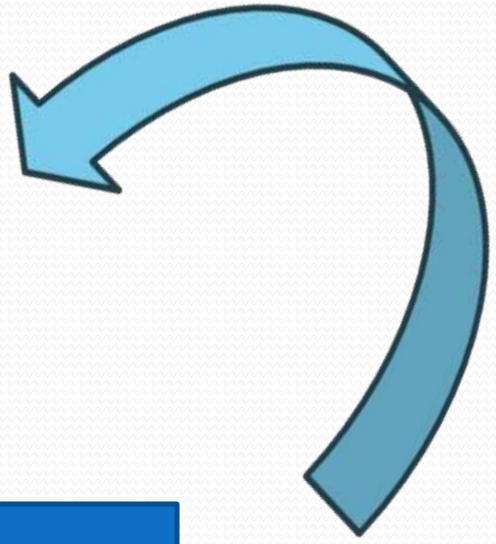
- (3) The character or situation of the thing, or the marks upon it, or any other circumstances is or are such as that the person who has lost the thing appears likely to be able to recover it by reasonable search and inquiry, if it were not removed or concealed by any other person.

RIOT SECTION 78 OF THE PENAL CODE CHAPTER84



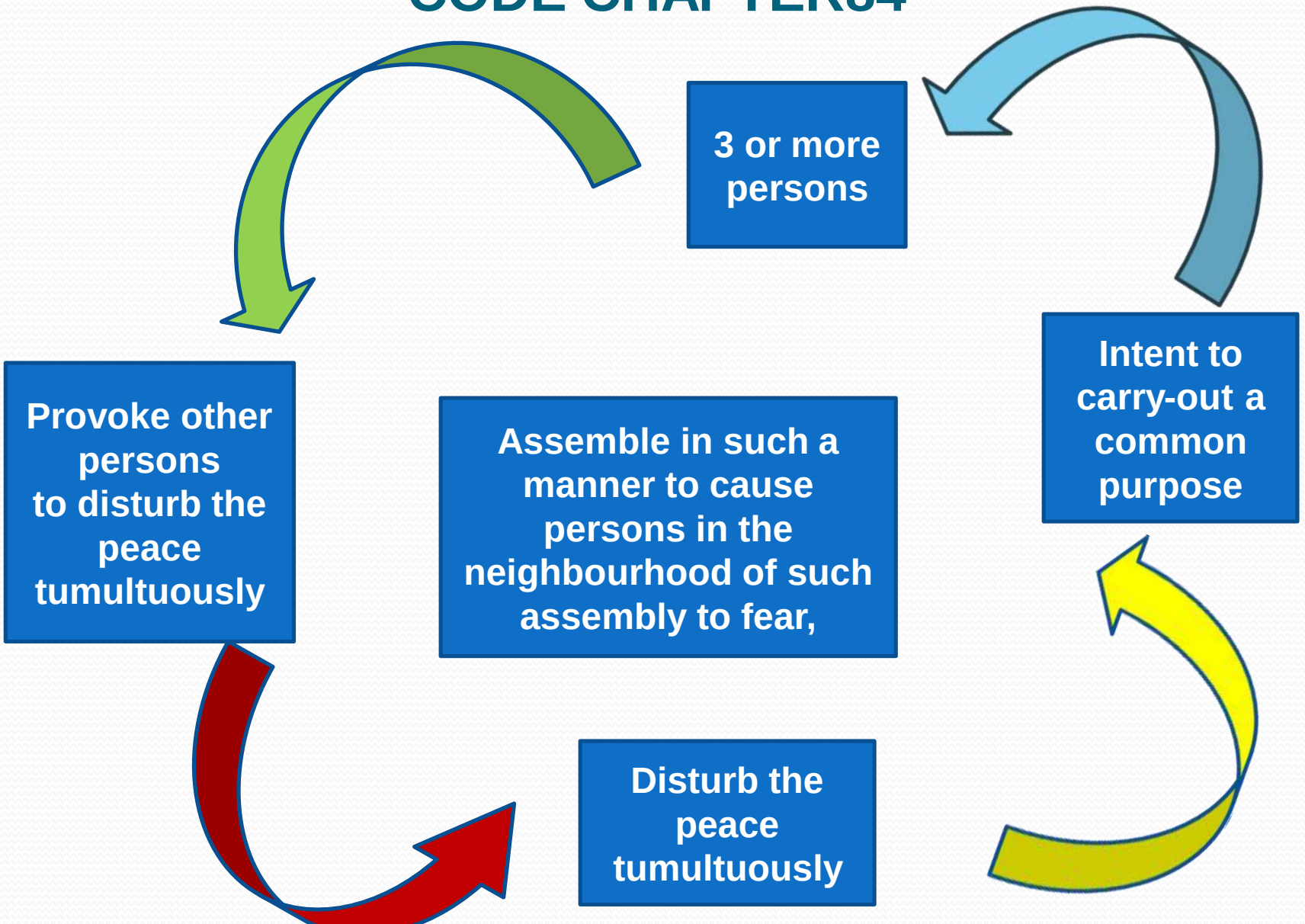
RIOT SECTION 78 OF THE PENAL CODE CHAPTER84

To facilitate, by force or by show of force or of numbers, the commission of any crime, they are guilty of a riot.

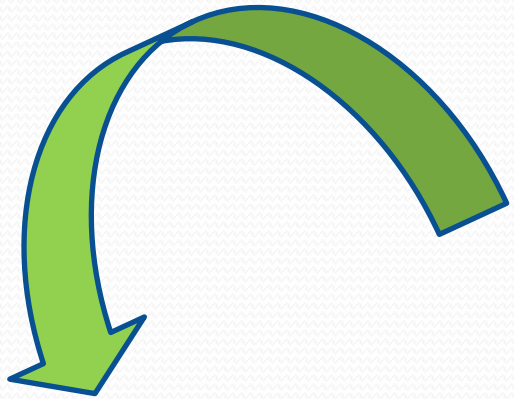


Persons are not guilty of a riot by reason only that they, to the number of three or more, suddenly engage in an unlawful fight unless three or more of them fight with a common purpose against some other person or persons.

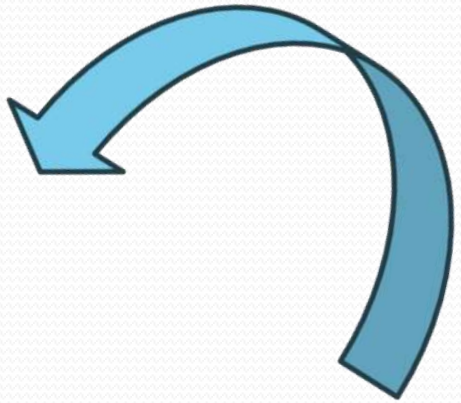
UNLAWFUL ASSEMBLY SECTION 79 OF THE PENAL CODE CHAPTER84



UNLAWFUL ASSEMBLY SECTION 79 OF THE PENAL CODE CHAPTER84



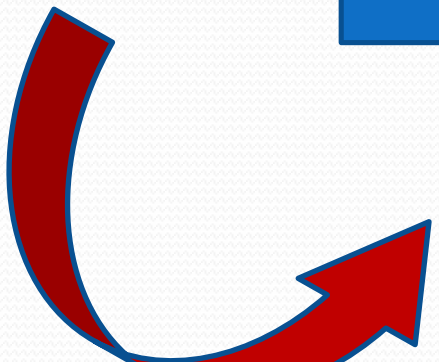
Persons lawfully assembled together may become an unlawful assembly



If they conduct themselves, with a common purpose,



In such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose.



An assembly of three or more persons for the purpose of protecting the house

Of any one of their number against persons threatening to break and enter such house in order to commit any crime therein is not unlawful.

SECTION 80 OF THE PENAL CODE CHAPTER84 (PROCAMATION FOR RIOTERS TO DISPERSE)

- **Any Magistrate**
- **Any Justice of the Peace**
- **Any Commissioned Officer in Her Majesty's military or Naval Service**

- May make or cause to be made a proclamation in

the Queen's name, commanding the rioters or persons so assembled to disperse peaceably.

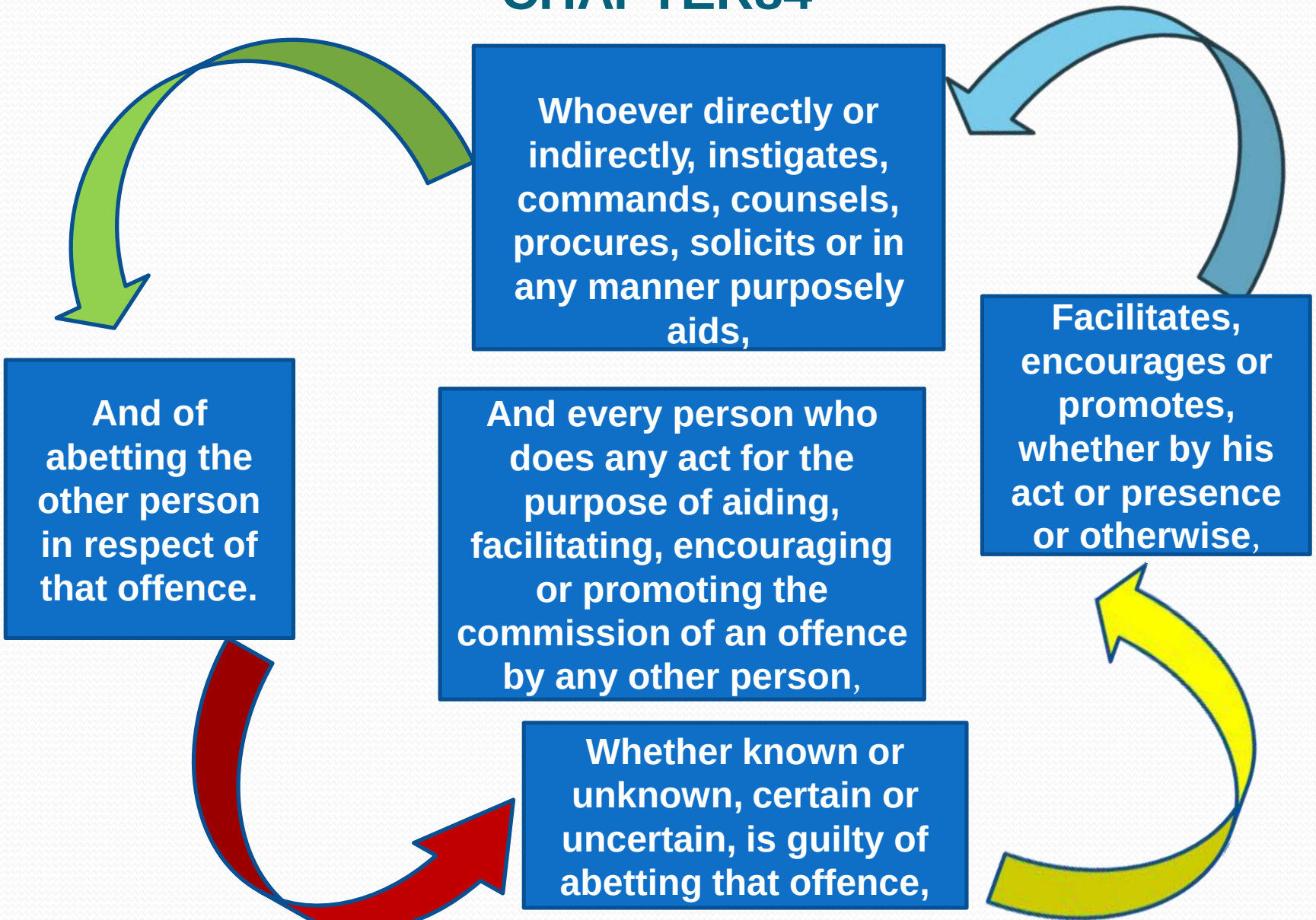
- **PROCLAMATION**

- “Our Sovereign Lady the Queen chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Penal Code for preventing tumults and riotous assemblies.”

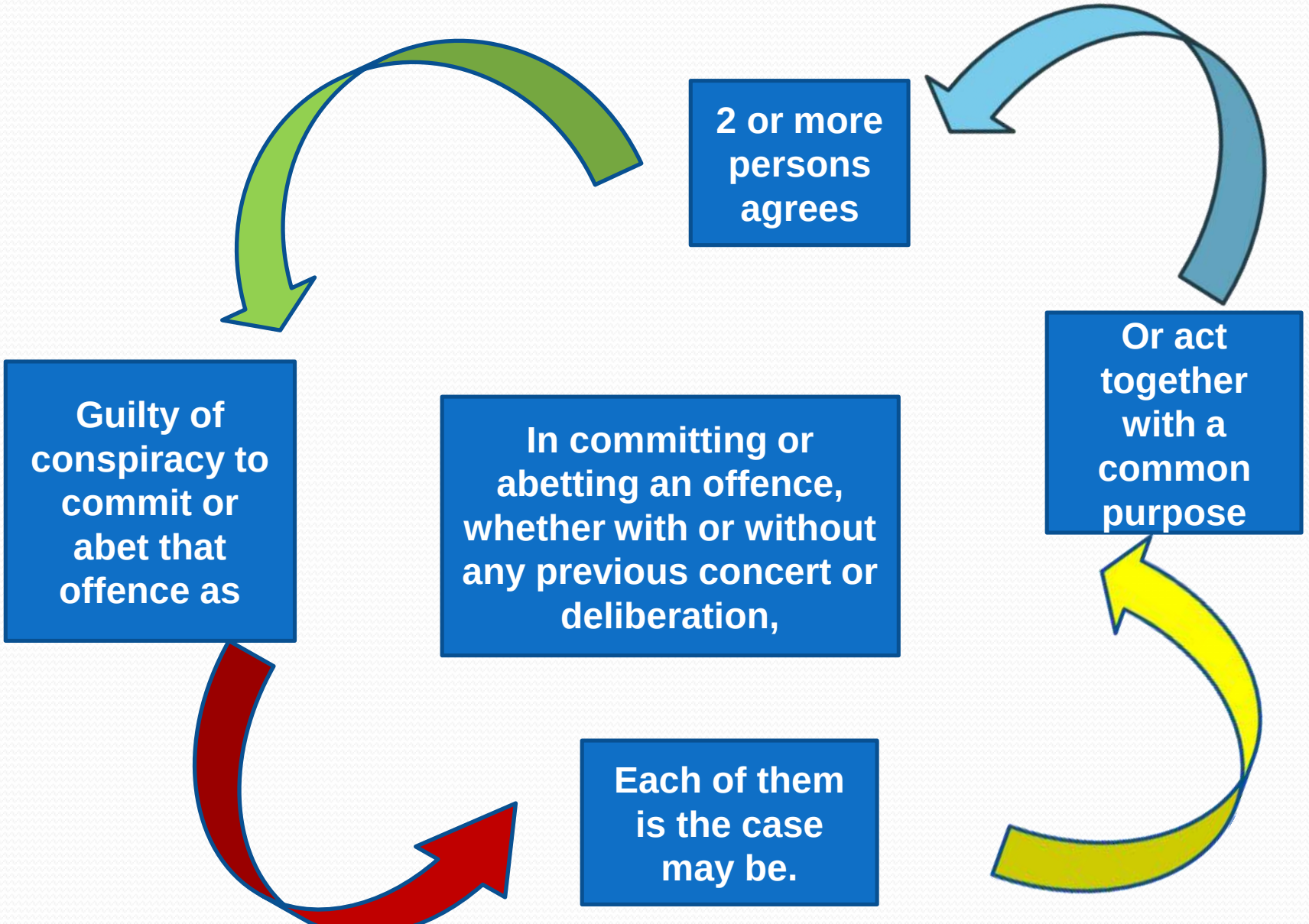
“GOD SAVE THE QUEEN”.



ABETMENT SECTION 86 (1) OF THE PENAL CODE CHAPTER84



CONSPIRACY SECTION 89 OF THE PENAL CODE CHAPTER84 & 30 OF THE DANGEROUS DRUGS ACT 228



- **SUBSECTION (2)**



Person "A" is in Jamaica and contacts **Person "B"** and instructs him to collect a package from the airport. **Person "B"** does as he is instructed but is stopped however by Police who searches him and discovers that the package contains counterfeit American Currencies.

- ***CASE LAWS***

(1) COMMONWEALTH OF THE BAHAMAS IN THE COURT OF APPEAL MCCrApp & CAIS No. 109 of 2013 MCCrApp & CAIS No. 110 of 2013 MCCrApp & CAIS No. 243 of 2013

(24 July 2014; 9 October 2014; 11, 24 November 2014; 10 September 2015)

- LISTON PERPALL , RENARDO PERPALL & DESMOND HIGGS

VS

THE COMMISSIONER OF POLICE

- *https://www.courtofappeal.org.bs/download/032164900.pdf*

(2) COMMONWEALTH OF THE BAHAMAS IN THE COURT OF APPEAL MCCrimApp & CAIS No. 36 of 2015

(8, 27 May 2015; 24 July 2015)

DARRYL ELMER BARTLETT

VS

THE COMMISSIONER OF POLICE

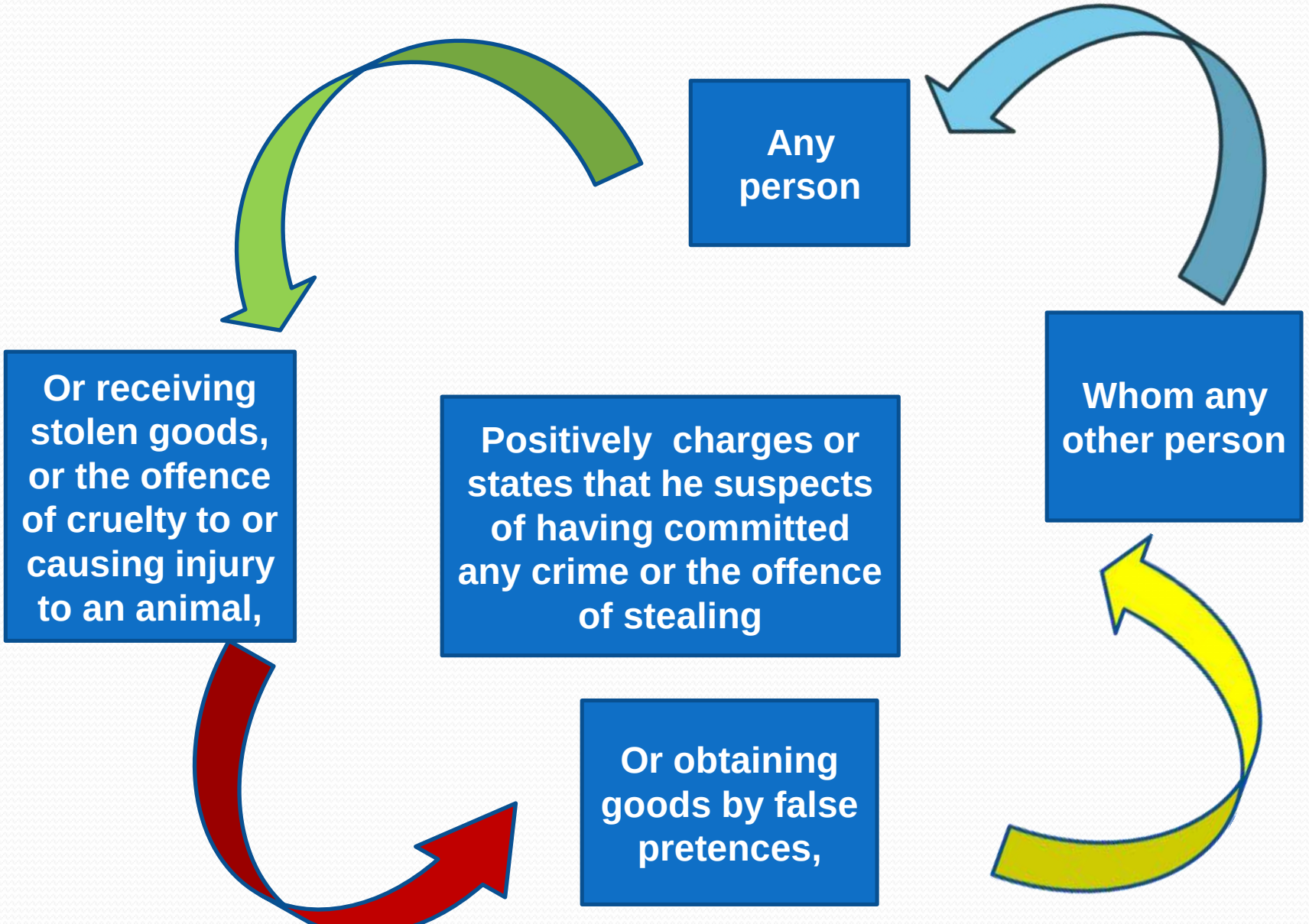
- *https://www.courtofappeal.org.bs/download/016624900.pdf*

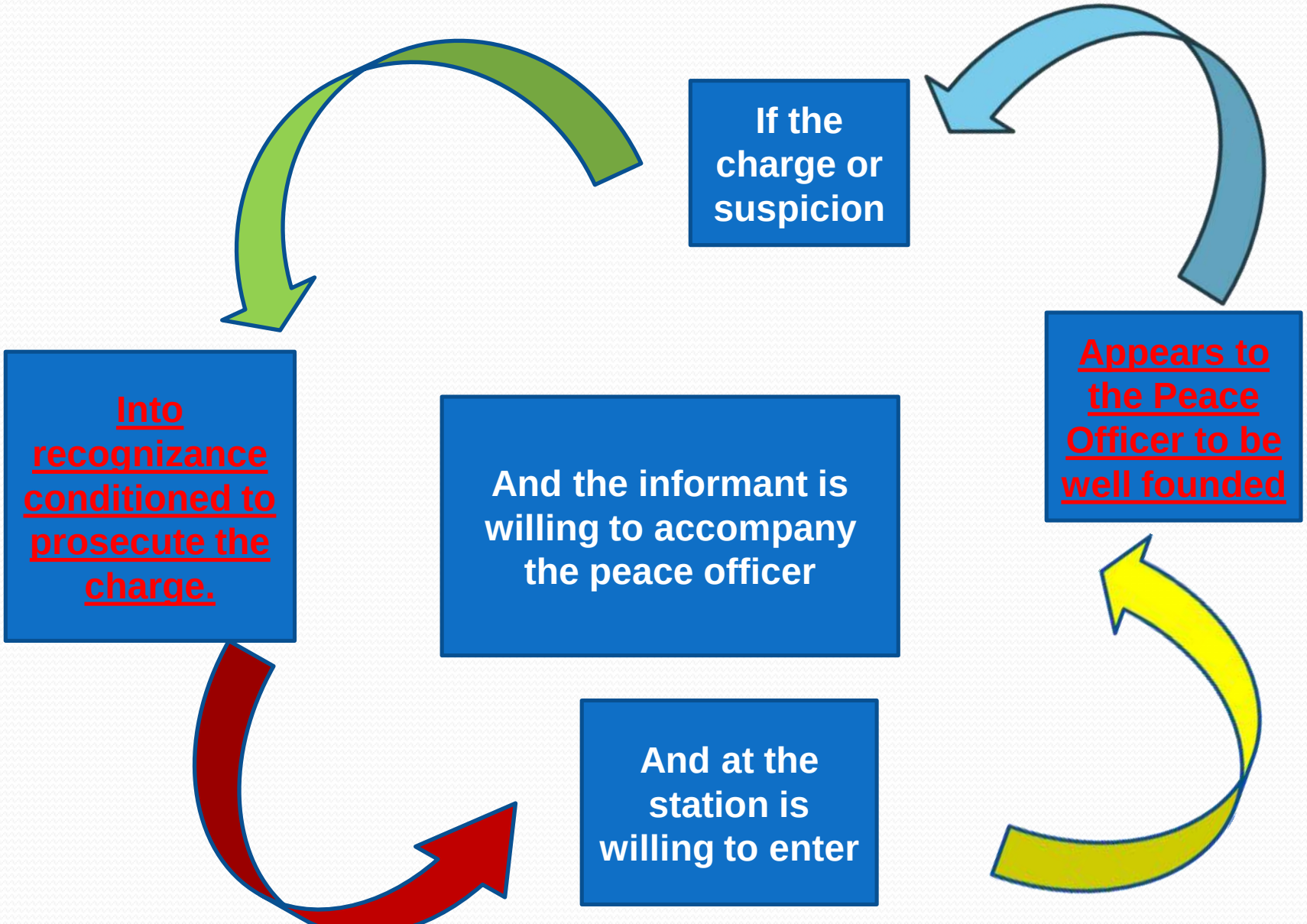
SECTION 104 (1) OF THE PENAL CODE CHAPTER 84 (ARREST WITHOUT WARRANT)

Any peace officer and all persons whom he shall call to his assistance may arrest and take persons into custody without a warrant in the following cases —

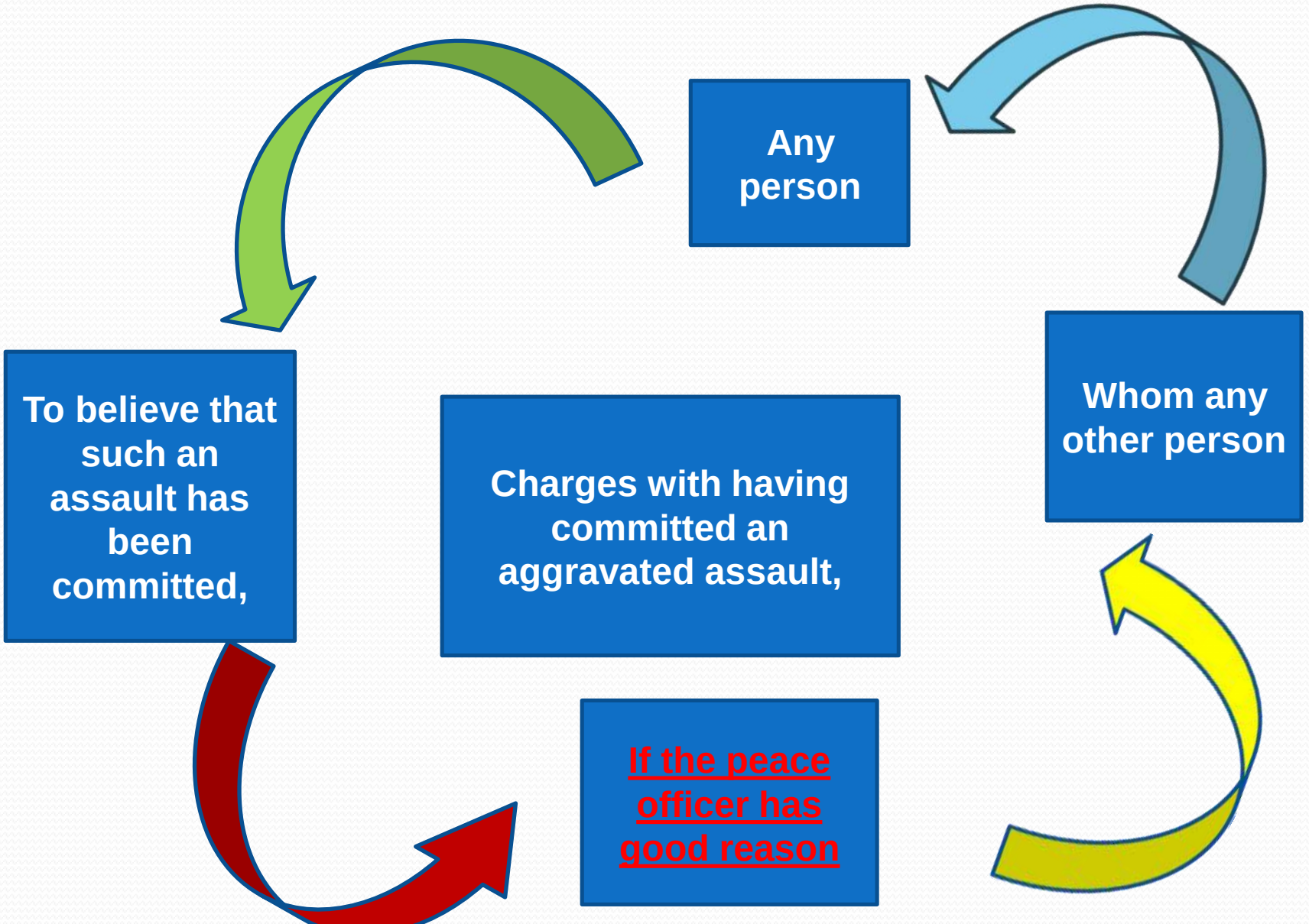
- (A) Persons seen committing an offence
- (B) Drunken or disorderly persons
- (C) Persons loitering at night
- (D) Persons charged by others if charge appears well founded
- (E) Persons charged with assaults recently committed

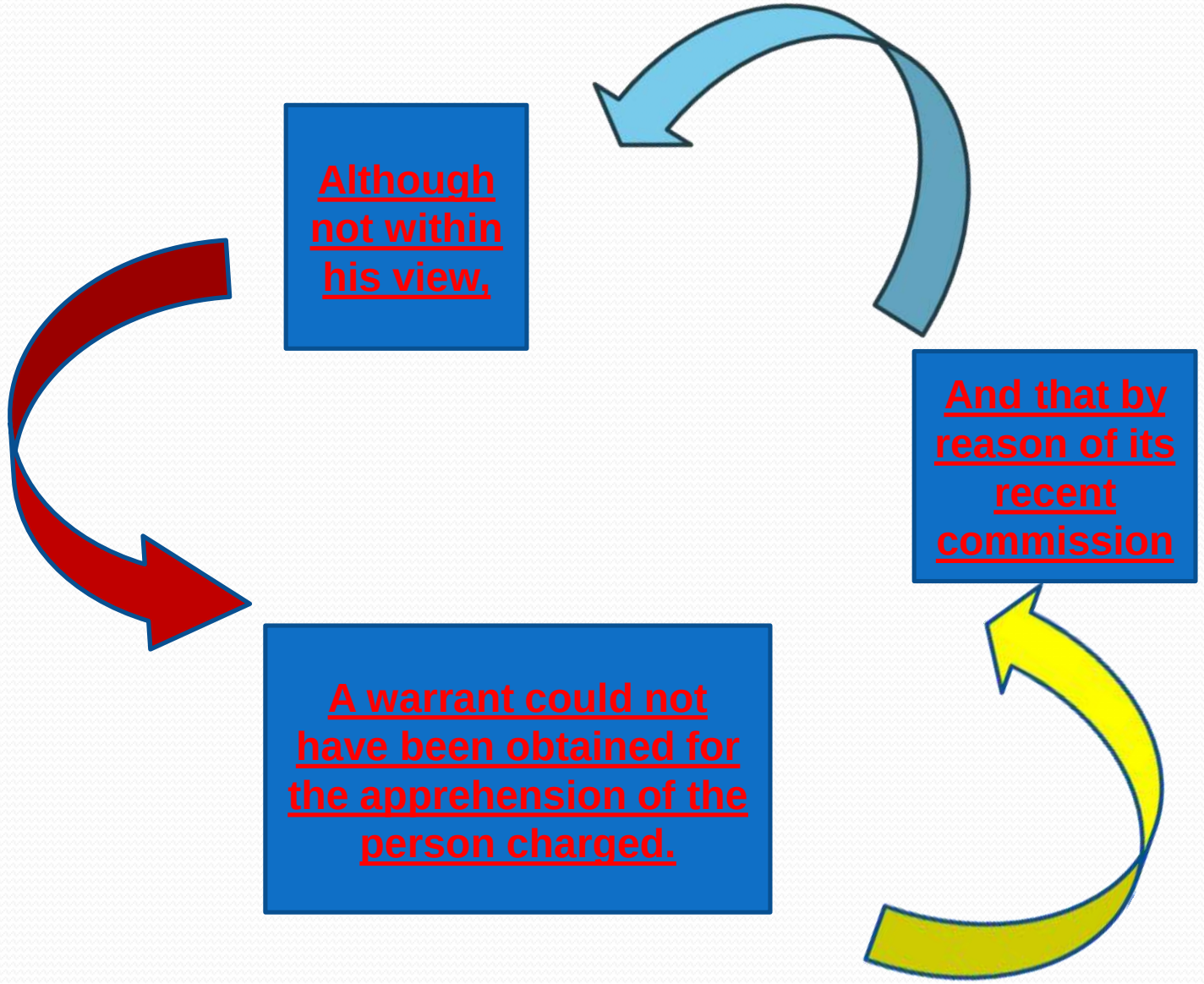
SECTION 104 (1) (D)




If the charge or suspicion
Appears to the Peace Officer to be well founded
And the informant is willing to accompany the peace officer
And at the station is willing to enter
Into recognizance conditioned to prosecute the charge.

SECTION 104 (1) (E)

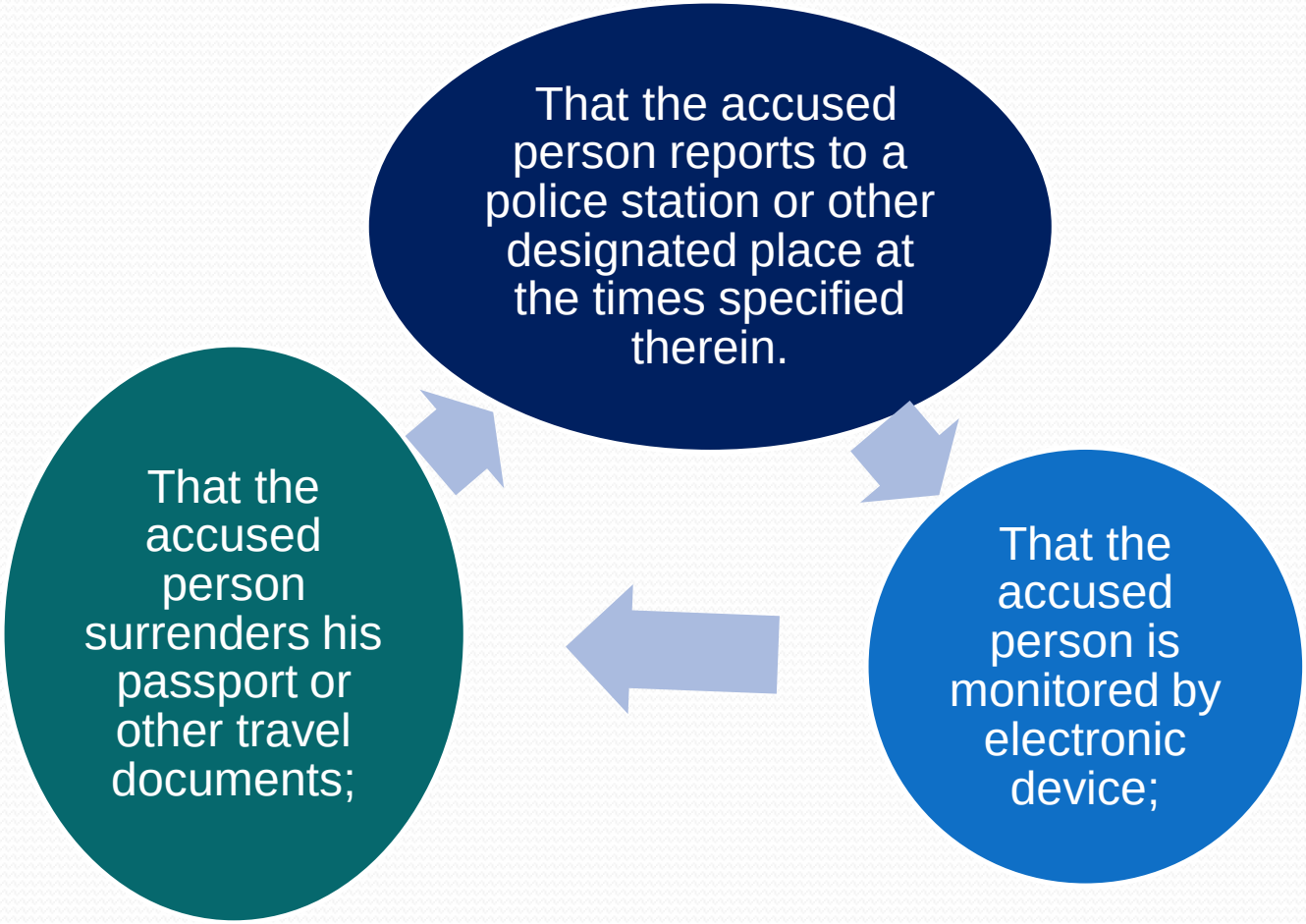



Although not within his view,
And that by reason of its recent commission
A warrant could not have been obtained for the apprehension of the person charged.

SECTION 9A (6)OF THE BAIL AMENDMENT ACT 2024

CONDITIONS OF RECOGNISANCE OF BAIL

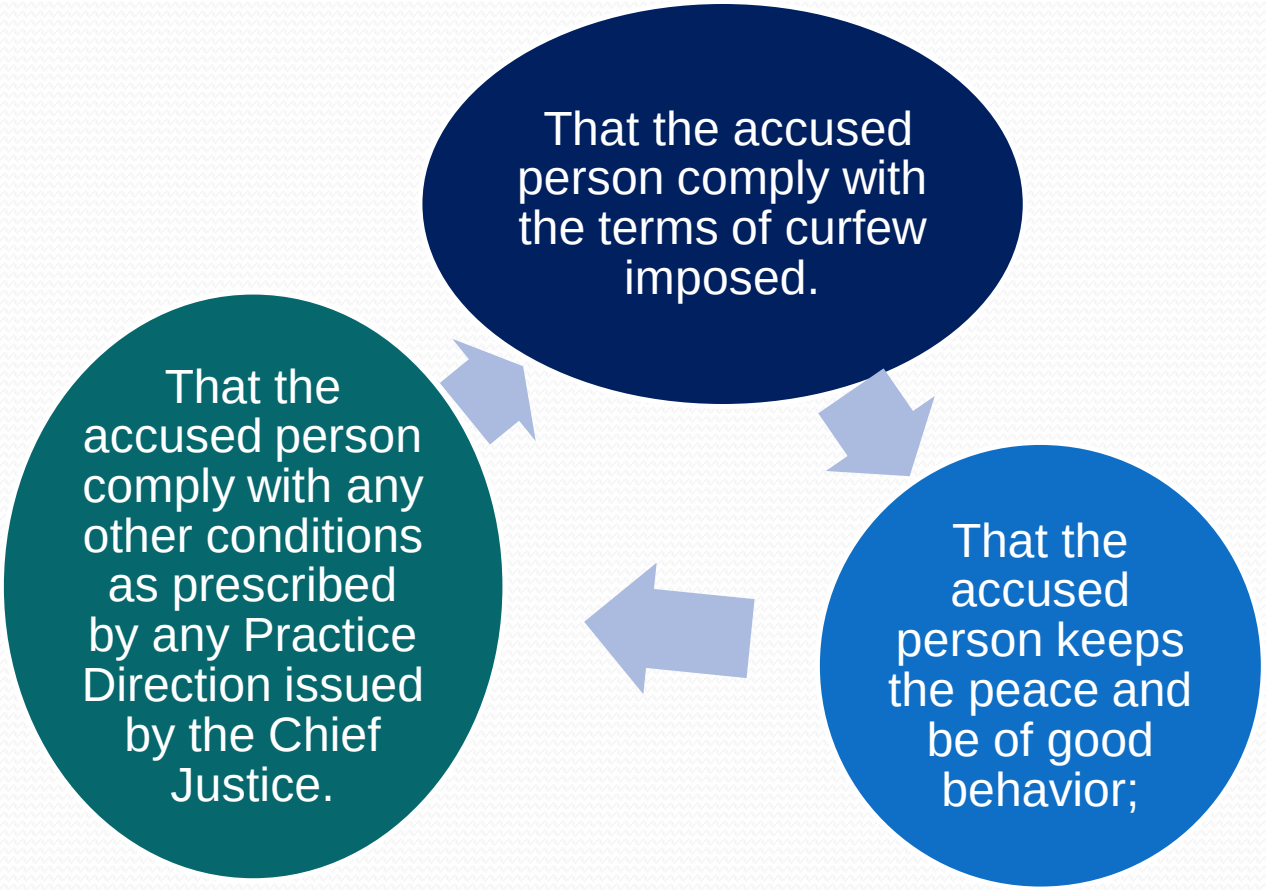
Subject to Section 9, the recognizance of bail may be conditioned:-



SECTION 9A (6)OF THE BAIL AMENDMENT ACT 2024

CONDITIONS OF RECOGNISANCE OF BAIL

The recognizance of bail may be conditioned-



SECTION 12 A OF THE BAIL AMENDMENT ACT 2024

- **OFFENCE OF VIOLATING CONDITIONS OF BAIL**

Any person released on bail in criminal proceedings who breaches any conditions of bail, commits an offence.

Where a person is arrested on reasonable grounds that he committed an offence under subsection (1) and is brought before a Magistrate, the person shall be remanded in custody pending trial and sentencing for the offence.

Where a person is convicted of an offence under subsection (1), the Prosecutor , shall within **twenty-one days** of his conviction, make an application to the court which granted the bail, for the revocation of the bail in respect of which he was convicted.

The Prosecution shall give to the convicted person, seven day's notice of the hearing of the application.

SECTION 12 (B) OF THE BAIL AMENDMENT ACT 2024

PUNISHMENT

AN OFFENCE UNDER SECTION 12A IS PUNISHABLE ON SUMMARY CONVICTION TO A TERM NOT EXCEEDING FIVE (5) YEARS.



SECTION 107 OF THE PENAL CODE CHAPTER 84

- **Use of force for prevention of or defence against crime.**

- **SUBSECTION (4)**

- (A) Treason
- (B) Piracy
- (C) Murder
- (D) Manslaughter, (Except Manslaughter by negligence)
- (E) Robbery
- (F) Burglary
- (G) House-Breaking
- (H) Arson of a dwelling-house or vessel
- (I) Rape
- (J) Forcible unnatural crime
- (K) Dangerous or grievous harm

CAUSING HARM SECTION 135 OF THE PENAL CODE CHAPTER 84

(1) Whoever intentionally and unlawfully causes harm or a wound to any person either with or without any weapon or instrument **shall be liable to imprisonment for six months.**

(2) Whoever negligently and unlawfully causes harm to any person **shall be liable to imprisonment for three months.**

STEALING SECTION 140 OF THE PENAL CODE CHAPTER 84

WHOEVER IS CONVICTED OF —

(1) any of the undermentioned offences, where the value of the property alleged to have been stolen or obtained does **not in the opinion of the court exceed the sum of five hundred dollars, namely, any of the offences following —**

- Stealing by reason of employment or service

- Stealing from or in any dwelling-house, shop, manufactory, warehouse, dock, wharf or quay adjacent to any harbor etc;

- Stealing from the person
- Stealing any cattle
- Committing a fraudulent breach of trust

SUBSECTION (2)

Any attempt to commit any of the offences herein referred to; or

SUBSECTION (3)

Any abetment, or conspiracy for the commission of any of the said offences, shall, if the offender had not been previously convicted of a similar offence, be liable to **imprisonment for three months, or to a fine of five hundred dollars, or to both.**

MANSLAUGHTER SECTION 289 OF THE PENAL CODE CHAPTER 84

- Whoever causes the death of another person by any unlawful harm is guilty of manslaughter. If the harm was **negligently caused**, he is guilty only of manslaughter by negligence.

MURDER

SECTION 290 OF THE PENAL CODE CHAPTER 84

- Whoever intentionally causes the death of another person by any unlawful harm is guilty of murder, unless his crime is reduced to manslaughter by reason of such extreme provocation, or other matter of partial excuse, as in this Title hereafter mentioned.

- ***Penal Code Amendment Act 2011 dated: 4th November, 2011***

http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90294/120383/F557379104/BHS90294.pdf

MANSLAUGHTER BY NEGLIGENCE SECTION 293 OF THE PENAL CODE CHAPTER 84

- Whoever commits manslaughter by negligence shall be liable to imprisonment for five years; and whoever commits manslaughter in any other case shall be liable to imprisonment for life.

INFANTICIDE SECTION 298 (1) OF THE PENAL CODE CHAPTER 84

- Where a woman by any **wilful act or omission** causes the death of her child, being a child **under the age of twelve months.**

- Balance of her mind was disturbed(Postpartum Depression or Lactation consequent upon the birth of the child).

Newborn found alive in bushes

September 12, 2016



Police officers investigate the scene after a newborn boy was found alive in bushes off Golden Isles Road early yesterday morning.

(Photo: Ahvia J. Campbell)

https://www.bahamaslocal.com/newsitem/159859/Newborn_found_alive_in_bushes.html

SECTION 16 (1) DOMESTIC VIOLENCE PROTECTION ORDERS ACT CHAPTER 99A

- **POWERS TO ENTER DOMESTIC PREMISES**

- A police officer may, without warrant enter any premises for the purpose of giving assistance to anyone present thereon
- **(A)** If he has reasonable grounds to suspect that a protection order is being violated;

OR

- **(B)** If upon the invitation of a person resident at the premises he has reasonable grounds to suspect that a person therein has suffered, or is in imminent danger of suffering, physical injury at the hands of some other person therein.

SUBSECTION 2

Nothing in this Act shall be construed as limiting the powers conferred by any other law upon a court or a police officer except where it is provided in this Act that the provision herein is notwithstanding anything to the contrary in that other law.

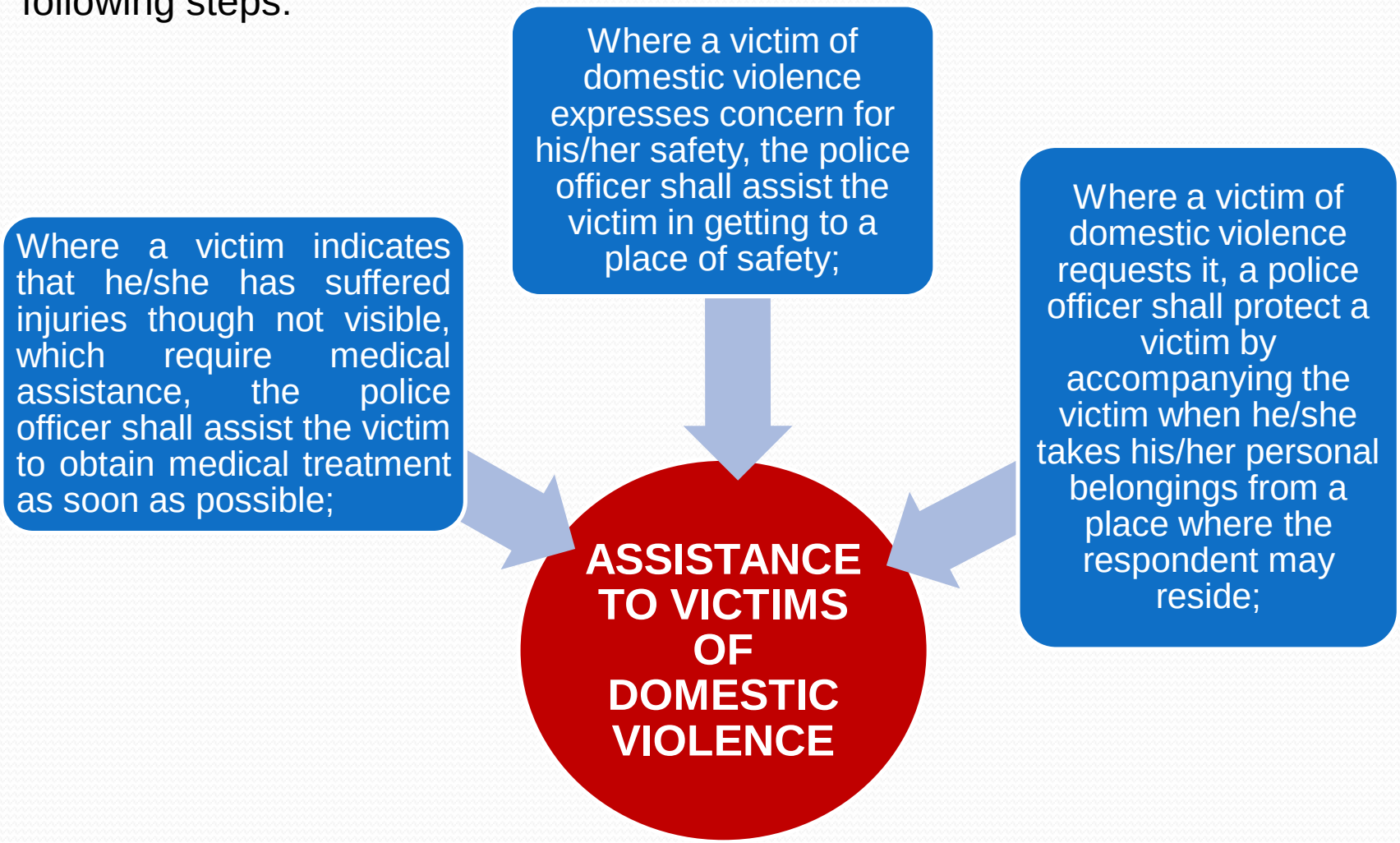
SUBSECTION 3

Where a police officer exercises a power of entry upon private premises in accordance with the foregoing provisions of this section, he shall as soon as practicable thereafter submit a written report to the officer in charge of the police station to which he is assigned.



SECTION 27 DOMESTIC VIOLENCE PROTECTION ORDERS ACT CHAPTER 99A

Whenever a police officer intervenes in a matter for which a protection order may be sought under this Act, the police officer shall, as soon as possible take the following steps:




Advise the victim of domestic violence on the importance of preserving the evidence;
ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE
Inform the victim as to his/her rights and of services which may be available to assist him/her, be they government or private

SECTION 12 (1) CRIMINAL PROCEDURE CODE CHAPTER 91 SEARCH OF PLACE ENTERED BY PERSON SOUGHT TO BE ARRESTED



If any person acting under a warrant of arrest, or any peace officer having other authority to arrest, has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place shall, on demand of such person acting as aforesaid or such peace officer, allow him free ingress thereto and afford all reasonable facilities for a search therein.

SUBSECTION 2

- If ingress to such place cannot be obtained under the provisions of subsection (1) of this section
- It shall be lawful in any case for a person acting under a warrant
- A warrant may issue but cannot be obtained without affording the person to be arrested an opportunity to escape,
- For a peace officer to enter such place and search therein and, in order to effect an entrance into such place,

- To break open any outer or inner door or window in any house or place,

- Whether that of the person to be arrested or of any other person, or otherwise effect entry into such house or place, if,

- After notification of his authority and purpose and demand of admittance duly made,

- Or there is no person present to whom he can make such demand, he cannot otherwise obtain admittance.

TRAFFICKING IN PERSONS PREVENTION & SUPPRESSION ACT CHAPTER 106

SECTION 3 (1)

- Whoever engages in or conspires to engage in, or attempts to engage in, or assist or otherwise facilitates another person to engage in “trafficking in persons” shall on summary conviction —
- (i) be sentenced to not less than three years nor more than five years imprisonment;
- (ii) be subject to forfeiture of property under section 7;

AND

- (iii) be ordered to pay full restitution to the victim under section 6;

- (b) on conviction on information —
- (i) be sentenced to life imprisonment or to a term not less than five years;
- (ii) be subject to forfeiture of property under section 7; and
- (iii) be ordered to pay full restitution to the victim under section 6.

SECTION 4 (1)

UNLAWFUL WITHHOLDING OF IDENTIFICATION PAPERS.

- A person who, for the purpose of committing or facilitating an offence under subsection (1) of section 3 conceals, removes, withholds or destroys any —

- Travel document that belongs to another person;

Or

- Document that establishes or purports to establish another person's identity or immigration status, is liable on —

- (i) Summary conviction to imprisonment for a term of three years;

- (ii) Conviction on information for imprisonment for a term of ten years.

CASE LAW

COMMONWEALTH OF THE BAHAMAS IN THE COURT OF APPEAL SCCrApp & CAIS No. 179 of 2014

15 May 2015; 4 June 2015; 24, 25 September 2015; 28 October 2015; 21 January 2016

CHEVANEESE SASHA GAYE HALL

VS

THE ATTORNEY-GENERAL

https://www.courtofappeal.org.bs/download/077851500.pdf

SECTION 4(2)

FINANCIAL BENEFIT

- Every person who receives a financial or other benefit knowing that it results from the offence of trafficking in persons commits an offence and is liable on —

- (A) Summary conviction to a **fine of ten thousand dollars or to imprisonment for three years or to both such fine and imprisonment;**

- (B) Conviction on information to a **fine of fifteen thousand dollars or to imprisonment for a term of ten years or to both such fine and imprisonment.**

SECTION 5(1)

TRANSPORTING A PERSON FOR THE PURPOSE OF EXPLOITING SUCH PERSON FOR PROSTITUTION

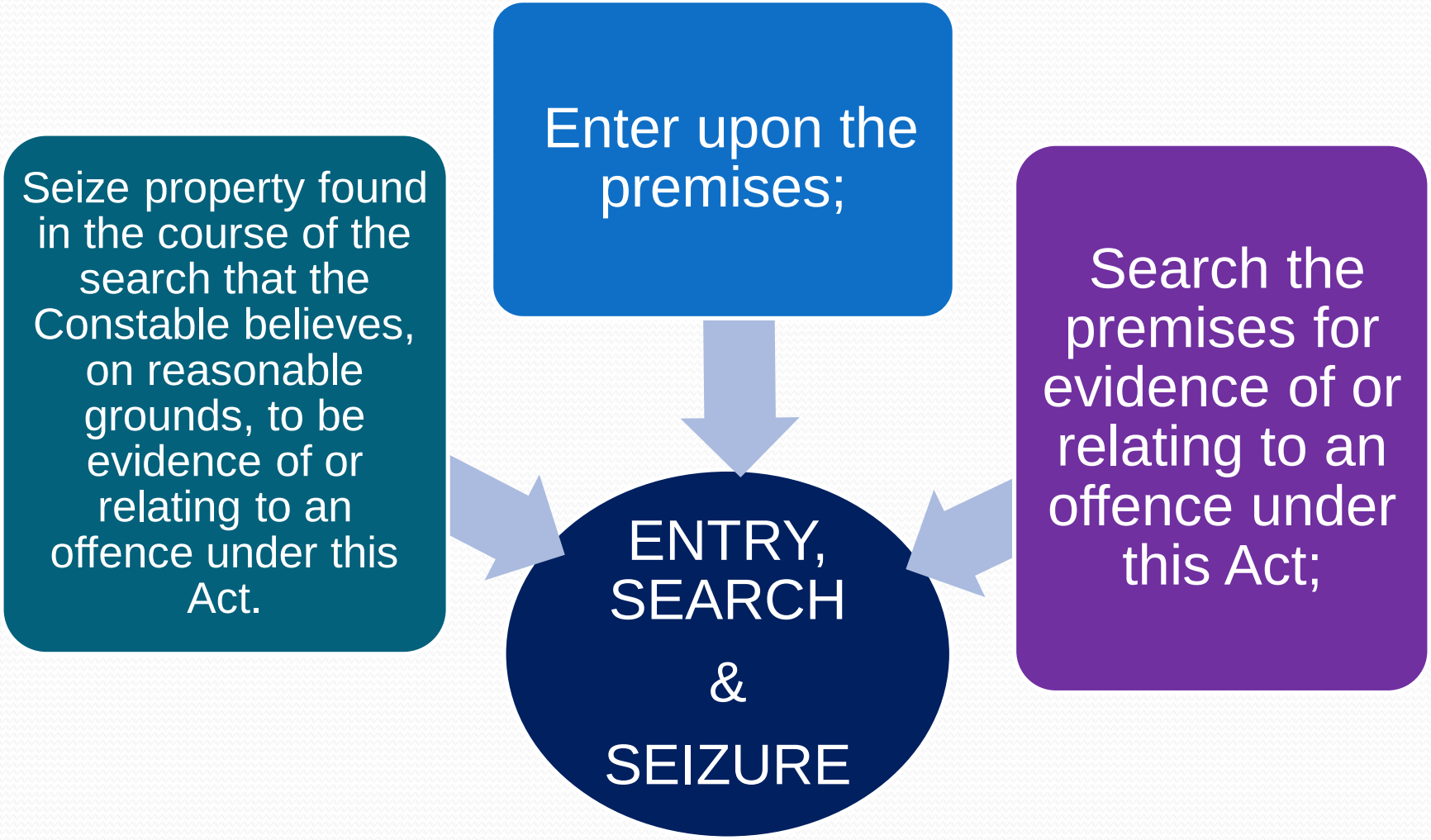
Whoever knowingly transports or conspires to transport, or attempts to transport or assists another person engaged in transporting any person in The Bahamas or across an international border for the purpose of that person engaging in prostitution commits an offence and shall be liable on summary conviction to be punished in accordance with subsections (2) and (3). and is liable on —

- (A) Summary conviction to a **fifteen thousand dollars and to imprisonment for three years and can also result in the forfeiture of the said vessel used to traffick the individual/individuals.**

SECTION 18 (1) & (2) TRAFFICKING IN PERSONS PREVENTION & SUPPRESSION ACT CHAPTER 106

(1) Subject to subsection (3), where a magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found on any premises specified in the information, he may issue a warrant in accordance with subsection (2).

(2) A warrant issued under subsection (1) may authorize a peace officer named therein to enter the premises specified therein, with such assistance and by the use of such force as is necessary and reasonable to —


Enter upon the premises;
Seize property found in the course of the search that the Constable believes, on reasonable grounds, to be evidence of or relating to an offence under this Act.
Search the premises for evidence of or relating to an offence under this Act;
ENTRY, SEARCH & SEIZURE

SECTION 19

OFFENCE OF THREATENING, OBSTRUCTING, ETC., CONSTABLE

Any person who threatens, assaults, or obstructs a constable acting in the execution of his duty under this Act commits an offence and is liable on summary conviction to a fine of **ten thousand dollars or to imprisonment for a period of six months or to both such fine and imprisonment.**

SECTION 5(3) CORONERS ACT CHAPTER 56

- Whenever a **justice of the peace** becomes cognizant of a death calling for inquiry or inquest

- Opinion that the coroner is unable to act by reason of his being at too great a distance from where the body is lying,

- Justice of the peace shall forthwith hold an inquiry or inquest; and every such justice so acting shall for the purpose of

- Every such inquiry or inquest be vested with all the powers of a coroner and shall be entitled to the same rate of remuneration as a deputy coroner under section 61 of this Act and shall be subject to the provisions of such section.

SECTION 9

CORONER MAY INQUIRE INTO THE DEATH OF A PERSON BROUGHT INTO HIS DISTRICT.

- When the dead body of any person is brought within any port or place within The Bahamas;
- The coroner of the district where the body may be shall, if necessary, inquire concerning the death of the person in the same
- Although the death or the cause of death may have occurred beyond the limits of the district or beyond The Bahamas.

SECTION 4 OF THE SEXUAL OFFENCES ACT CHAPTER 99

SEXUAL INTERCOURSE INCLUDES:

- Sexual connection occasioned by any degree of

penetration of the vagina of any person or anus of any person, or by the stimulation of the vulva of any person or anus of any person, by or with

- (i) any part of the body of another person; or
- (ii) any object used by another person,

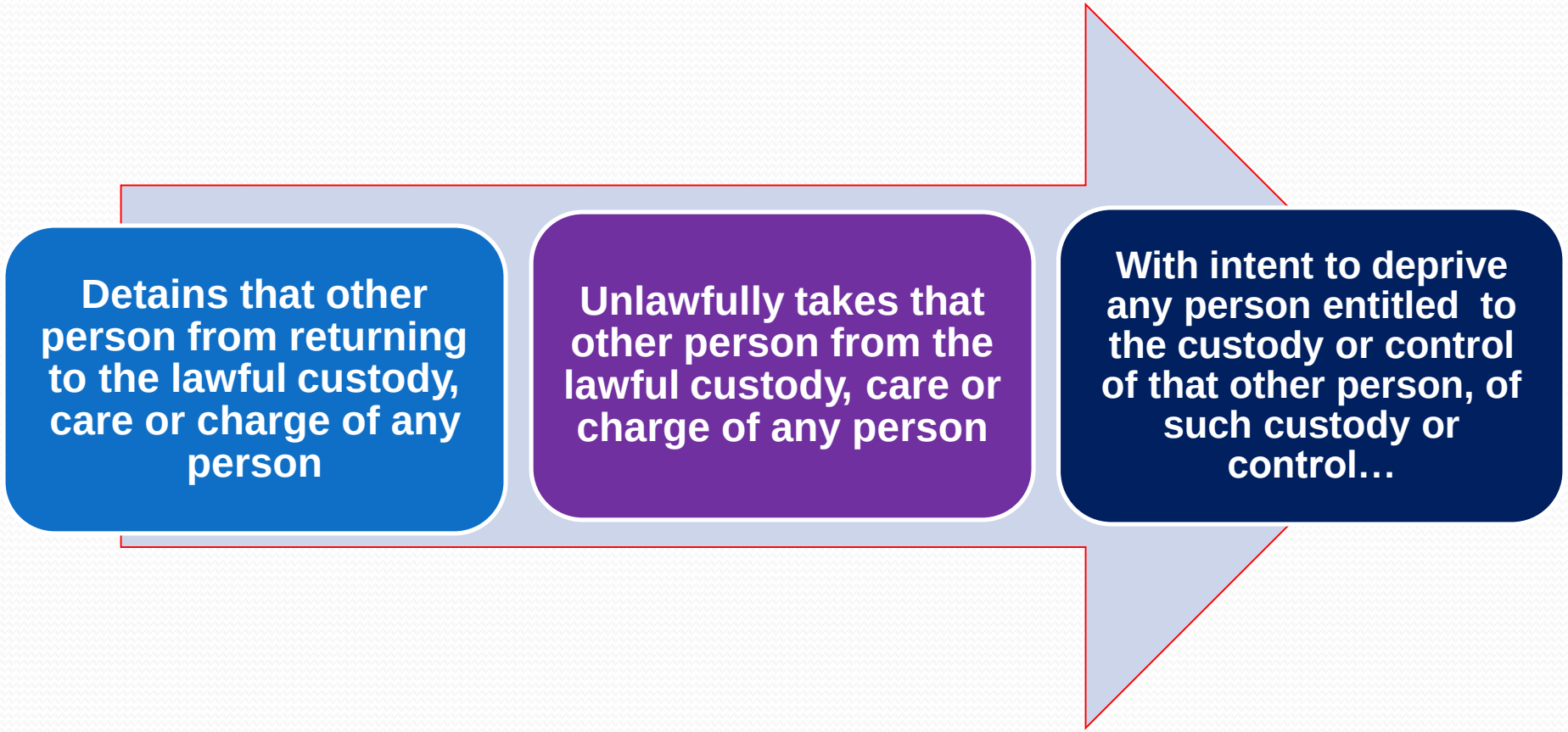
- Except where the penetration or stimulation is carried out for proper medical purposes;

AND

- (b) Sexual connection occasioned by the introduction of any part of the penis of any person into the mouth of another person.

SECTION 5 ABDUCTION

A person is guilty of the offence of abduction of another if he:



SECTION 5A VOYEURISM.

- (1) Any person who —

- (a) Surreptitiously observes including by mechanical or electronic means;

OR

- (b) Makes a visual recording of a person, in circumstances that give rise to a reasonable expectation of privacy, commits an offence if —

- (1) The person is in a place which a person can reasonably be expected to be fully or partially nude

- (2) To expose his or her genital organs or other intimate parts or to be engaged in explicit sexual activity

- (3) For the purpose of observing or recording a person in such a state or engaged in such an activity

- (4) The observation or recording is done for a sexual purpose.

- (5) A person who is guilty of an offence under this section is liable on **summary conviction to a term of imprisonment of three years.**

SECTION 5D

- (1) Any person who —
- (a) indecently assaults any other person;

- (b) does anything to any other person with the consent of that other person which, but for such consent, would be an indecent assault, such consent being obtained by false and fraudulent representation as to the nature and quality of the act, is guilty of an offence and **liable to a term of imprisonment of three years.**

SECTION 7 (A) PROCURATION

- Any person who —
- Whether by electronic means or otherwise
- (i) Eighteen years of age to have unlawful sexual intercourse, either in or outside The Bahamas, or with any other person;
- **(ii) Procures or attempts to procure any person to become, either in or outside The Bahamas, a common prostitute;**

- (iii) Any person to leave The Bahamas with intent that he may become an inmate of or frequent a brothel elsewhere;

- (iv) Any person to leave his usual place of abode in The Bahamas with intent that he may, for the purposes of prostitution, become an inmate of or frequent a brothel either in or outside The Bahamas;

- (v)By threats or intimidation, procures or attempts to procure any person to have unlawful sexual intercourse either in or outside The Bahamas;

- **(vi)By false pretenses or false representations, procures any person to have any unlawful sexual intercourse either in or outside The Bahamas;**

SECTION 8 (2)

PROSTITUTION AND DISCLOSURE OF AIDS.

Any person who knows that he is infected with a virus causing, or known to cause, acquired immune deficiency syndrome (commonly known as “AIDS”) and who has sexual intercourse with any other person, with the consent of that other person but without disclosing the fact of the infection to that other person,

- Guilty of an offence and liable to be detained for a term of **five years** in such place and under such conditions as may be specified by the court before which he is convicted

SECTION 12

SEXUAL INTERCOURSE WITH A PERSON SUFFERING FROM A MENTAL DISORDER.

Any person who —

Has unlawful sexual intercourse with any person who is suffering from a mental disorder, whether with or without the consent of that person, under circumstances which prove that the accused person knew or had reasonable cause to suspect that, at the time of the commission of the offence that the person with whom he had unlawful sexual intercourse was a person suffering from a mental disorder; or

SECTION 12

SEXUAL INTERCOURSE WITH A PERSON SUFFERING FROM A MENTAL DISORDER.

Any person who —

(2) Attempts to have unlawful sexual intercourse with any person who is suffering from a mental disorder, whether with or without the consent of that person, under circumstances which prove that the accused person knew, or had reasonable cause to suspect that, at the time of the commission of the offence the person with whom he attempted to have unlawful sexual intercourse was a person suffering from a mental disorder, **is guilty of an offence and liable to imprisonment for life.**

SECTION 14

SEXUAL INTERCOURSE WITH A DEPENDENT

(1) Any adult who —

(A) Has unlawful sexual intercourse with his dependent child, whether with or without the consent of the child;

OR

(B) Attempts to have unlawful sexual intercourse with his dependent child, whether with or without the consent of the child, **is guilty of an offence and liable to imprisonment for life.**

SECTION 14

SEXUAL INTERCOURSE WITH A DEPENDENT

(2)In this section — “dependent child” means a minor who is not related by blood to the alleged offender but —

(a) is his adopted child, step-child, foster child or ward;

(b) has been treated by him as a child of his family;

(c) is being maintained, either wholly or partly, by him;

(d) is in his actual custody; charge or control;

or

(e) in relation to which minor he holds a position of trust. dependent child, whether with or without the consent of the child.

CASE LAW

COMMONWEALTH OF THE BAHAMAS IN THE COURT OF APPEAL
SCCiv.App. Side No. 13 of 2007 BETWEEN:

THE ATTORNEY GENERAL APPELLANT AND EARL RANDOLPH FRASER RESPONDENT

SECTION 26 (1) SEXUAL HARASSMENT

Any person who —

- (a) being a prospective employer importunes or solicits sexual favours from another person

- (i) In the terms or conditions on which he offers, to that person or any other person, employment or admission into any institution;

OR

- (ii) under a threat of rejection (whether implied or otherwise) of any application made by that person or any other person for employment or for admission into any institution, or of causing such rejection;

- Any person who is guilty of the offence of sexual harassment is liable to a fine of five thousand dollars or to imprisonment for **two years or to both such fine and imprisonment.**

FIREARM AMENDMENT ACT 2011

SECTION 9

Occupier of house, building, premises, vehicle or vessel.

(1) The occupier of any house, building, or premises or the person who has control of any privately operated vehicle, aircraft or vessel in which a firearm is found shall, for the purposes of this Act be deemed to be in possession of such firearm unless the contrary is proved

(2) For the purposes of this section, “privately operated vehicle, aircraft or vessel” does not include a vehicle, aircraft or vessel that is operated as public transportation.”.

SECTION 22 OF THE DANGEROUS DRUGS ACT CHAPTER 228 & SECTION 7 OF THE DANGEROUS DRUGS AMENDMENT ACT 2023.

POSSESSION OF DANGEROUS DRUGS WITH INTENT TO SUPPLY

(8) Notwithstanding anything to the contrary in the foregoing provisions of this section, in any case in which a person is convicted of having committed an offence under subsection (1) and the quantity of dangerous drugs to which the charge relates is —

(b) in the case of cocaine, in excess of two pounds; or

(c) in the case of opium morphine and its salts including diacetylmorphine (commonly known as heroin), in excess of twenty grams, 22. (1) It is an offence for a person to have a dangerous drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of the provisions of this Act.

SECTION 62 (1) CHILD PROTECTION ACT CHAPTER 132

- If any person who has attained the age of eighteen years
- Has the custody, charge or care of any child assaults, ill-treats, neglects, abandons or exposes him,
- Or causes or permits him to be assaulted, ill-treated,
- Neglected, abandoned or exposed, in a manner likely to cause him unnecessary suffering or injury to health(including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement) that person shall be guilty of an offence.

SECTION 268 OF THE PENAL CODE CHAPTER 84

EXPOSING CHILD TO GRIEVOUS HARM.

Whoever **UNLAWFULLY** exposes or abandons any child, under seven years of age, in such a manner that any grievous harm is likely to be caused to it, shall be liable to **IMPRISONMENT FOR SEVEN YEARS.**

Bella’s murder case committed to Supreme Court

Artesia Davis Send an email March 23, 2022 https://thenassauguardian.com/bellas-murder-case-committed-to-supreme-court/



A couple charged in connection with the 2021 murder of four-year-old D’Onya “Bella” Walker have been committed to stand trial in the Supreme Court. Darion Smith, the 33-year-old boyfriend of the toddler’s mother, is still on remand at the Bahamas Department of Correctional Services. He is charged with Bella’s November 5 beating death.

Smith is also accused of child cruelty by permitting abuse that caused unnecessary suffering and injury to her health. Bella’s mother, Ostonya Walker, who is on bail, faces charges of **EXPOSING A CHILD TO GRIEVOUS HARM AND CHILD CRUELTY.** Prosecutors yesterday served the couple with a voluntary bill of indictment that contains the statements of the witnesses who will testify at their trial. Both accused told Magistrate Shaka Serville that they would provide the DPP’s Office with a notice of their alibi within 21 days. Ian Cargill represents Walker. Smith is unrepresented. They will appear in the Supreme Court on May 6 for an arraignment. At that time, they will enter pleas to the charges and the case will be assigned to a judge.

SECTION 80 (1)

DUTY OF SOCIAL SERVICES OFFICER TO INVESTIGATE AND ACT.

- (a) Take the child and place him under emergency protection in a place of safety for a **maximum period of forty-eight hours;**

OR

- (b) Take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented.

SECTION 109

AGE OF CRIMINAL RESPONSIBILITY

- Notwithstanding anything to the contrary in any law —

- (a) It shall be conclusively presumed that no child under the age of **ten years** can be guilty of an offence;

- (b) It shall not be presumed that a child aged ten or over is incapable of committing an offence.

DEFINITIONS ACCORDING TO THE PROCEEDS OF CRIME ACT 2018

MONEY LAUNDERING

(A) An offence referred to in part III.

(B) Any act or words which constitutes an attempt, conspiracy or incitement to commit an offence specified in paragraph (a);

(C) Any act or words which constitutes aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a);

(D) Conduct committed outside The Bahamas which would constitute an offence specified in paragraph (a), (b) or (c) if the conduct was committed in The Bahamas

DEFINITIONS ACCORDING TO THE PROCEEDS OF CRIME ACT 2018

PECUNIARY ADVANTAGE- Means a financial advantage that is obtained by criminal conduct…

PROCEEDS AND PROCEEDS OF CRIME- Means any funds or property derived from or obtained, directly or indirectly , as a result of or in connection with the commission of any offence, including economic gains and funds property converted or transformed, in whole or in part, into other funds or property.

It is immaterial: (a) who carries out the criminal conduct

(b) who benefited from it;

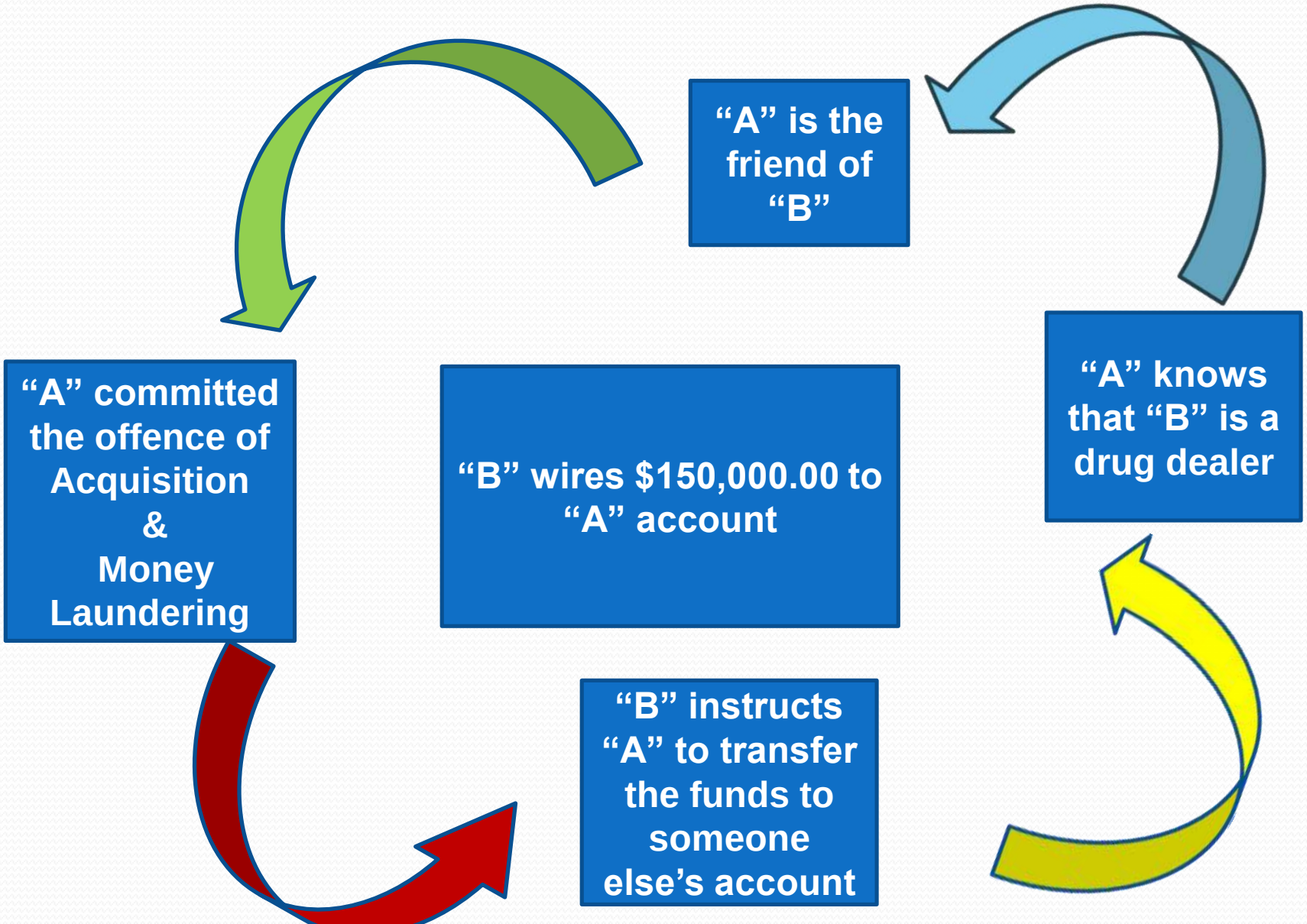
(c) whether the criminal conduct occurred before or after the passing of this Act;

SECTION 11 (1)PROCEEDS OF CRIME ACT 2018

- **ACQUISITION, USE AND POSSESSION OF PROCEEDS OF CRIME**.

A person who knows or suspects or ought to reasonably have known or suspected that he-

- Acquired or is acquiring the proceeds of crime;
- Used or is using the proceeds of crime
- Possessed or possesses the proceeds of crime, commits an offence of money laundering.


"A" is the friend of "B"
"A" knows that "B" is a drug dealer
"B" wires $150,000.00 to "A" account
"B" instructs "A" to transfer the funds to someone else's account
"A" committed the offence of Acquisition & Money Laundering

BUSINESS LICENCE ACT 2010

- **DEFINITION**

- **BUSINESS-** This includes a profession, calling, vocation, occupation, trade, manufacture or undertaking of any kind whatever, an adventure or concern in the nature of trade for the purpose of creating a turnover.

- **SECTION 17 (1)**

DISPLAY, INSPECTION AND PRODUCTION OF LICENCE

Every licensee under this Act shall produce the licence for inspection when requested to do so by the Secretary or any Peace Officer.

- **SECTION 26 (7)**

- **Any person who, either by himself or his servant, in contravention of section 17 fails to display or produce for inspection his licence commits an offence and shall be liable to on summary conviction to a fine of one thousand dollars and in addition to the fine, a sum of fifty dollars for each day the offence continues subsequent to the date to which the conviction relates.**

- **SECTION 26 (11)**

- (B)(i) Any person being the holder of a licence for premises providing for the sale of liquor who:-

Either by himself or servant

Harbours or entertains while on duty any peace officer, or treats or sells to him any liquor, or detains or suffer him to remain or abide on his premises, or bribes or attempts to bribe him has committed an offence.

- **AND ON SUMMARY CONVICTED COULD RECEIVE A FINE OF $1000.00.**

INTERCEPTION OF COMMUNICATION ACT 2017

- **DEFINITION**

- **INTERCEPT-** Includes any:-

- (a) Aural or other acquisition of the contents of a communication through the use of any means, including an interception device, so as to make some or all of the contents of a communication available to a person other than the sender or recipient or intended recipient of that communication;

- (b) Monitoring a communication by means of a monitoring device;

- (c) Viewing, examining, or inspecting the contents of a communication;

AND

- (d) Diverting of any communication from its intended destination to any other destination; and “interception” shall be construed accordingly;

- **SECTION 4**

Application for interception warrant and unauthorised disclosure of application.

- (a) The authorized officer on behalf of whom the application is made;
- (b) The facts or allegations giving rise to the application;
- (c)Sufficient information for a judge to issue an interception warrant;
- (d) The ground referred to in section 5(1) on which the application is made;

- (e) Full particulars of all the facts and the circumstances alleged by the authorised officer on whose behalf the application is made including —

- (i) If practical, a description of the nature and location of the facilities from which or the premises at which the communication is to be intercepted;

AND

- (ii) The basis for believing that evidence relating to the ground on which the application is made will be obtained through the interception

- (f) The period for which the interception warrant is required to be issued;
- (g) Whether any previous application has been made for the issuing of an interception warrant in respect of the same person, the same facility or the same premises specified in the application and, if such previous application exists, shall indicate the current status of that application;

AND

- (h) Any other directives issued by the judge.

SECTION 20 (1)
OFFENCE FOR UNAUTHORISED DISCLOSURE OF INTERCEPTION

- Where an interception or an entry warrant or both, has been issued or renewed, it shall be the duty of every person mentioned under section 18(3) to keep confidential such information as to —

- (a) The existence and the contents of the interception and the entry warrant;

- (b) The details of the issue of the interception and the entry warrant and of any renewal or modification of either;

- (c) The existence and the contents of any requirement to provide assistance with the giving effect to the interception or the entry warrant;

- (d) The steps taken under the interception or the entry warrant;

AND

- (e) The contents of the intercepted material together with any related communications data.

SECTION 20 (2)

A person who —

- (a) Makes a disclosure to any person of anything that he is required to keep confidential under subsection (1) commits an offence and is liable on **summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or to both;**

- (b) Receives any unauthorized disclosure from a person under subparagraph (a) and makes any subsequent disclosure to any other person is liable **on summary conviction to a fine not exceeding twenty five thousand dollars or imprisonment for a term not exceeding two years or to both.**

COMMONWEALTH OF THE BAHAMAS IN THE COURT OF APPEAL MCCrApp. No. 142 of 2012 & 143 of 2012 BETWEEN:

WILSON JOSEPH & JACOBY KNOWLES

VS

THE COMMISSIONER OF POLICE

https://www.courtofappeal.org.bs/download/017567100.pdf

SOURCES

- **BAIL ACT AMENDMENT ACT 2024**
  SECTIONS
  9A (6), 12A & 12B

- **BUSINESS LICENCE ACT 2010**
  SECTIONS
  17 (1), 26 (7), 26 (11)

- **CHILD PROTECTION ACT CHAPTER 132**
  SECTIONS
  62 (1),80 (1),109

- **CORONERS ACT CHAPTER 56**
  SECTIONS
  5 (3),9

- **CRIMINAL PROCEDURE CODE CHAPTER 91**
  SECTION
  12

SOURCES

- **DANGEROUS DRUGS ACT CHAPTER 228**

SECTIONS

22, 30

- **DANGEROUS DRUGS AMENDMENT ACT 2023**

SECTIONS

7

- **DOMESTIC VIOLENCE PROTECTION ORDERS ACT CHAPTER 99A**

SECTIONS

16 (1)- (3) & 27

- **FIREARM AMENDMENT ACT 2011**

SECTION

9

- **INTERCEPTION OF COMMUNICATIONS ACT 2017**

SECTIONS

4, 20 (1) & 20 (2)

SOURCES

- **PENAL CODE CHAPTER 84**

SECTIONS

- 48, 56,78,79, 80, 86 (1),89, 104 (1), 107,135,140, 268, 289, 290,293, 298 (1)

- **PROCEEDS OF CRIME ACT 2018**

SECTION

11

- **SEXUAL OFFENCES ACT CHAPTER 99**

SECTIONS

4,5,5A,5D, 7A,8(2),12, 14, 26 (1)

- **TRAFFICKING IN PERSONS PREVENTION & SUPPRESSION ACT CHAPTER 106**

SECTIONS

3 (1),4,5 (1), 18,19

QUESTIONS AND ANSWERS

- Thank you very much for your time.

