

COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

MCCrApp & CAIS No. 104 of 2010

George Johnson

Appellant

VS

The Commissioner of Police

Respondent

(Substantive Appeal)

Before: The Hon Mrs Justice Allen, President
The Hon Mr Justice John, JA
The Hon Mr Justice Conteh, JA

Mr Ian Cargill, with Mr Terry Burrows, Counsel for
Appellant
Mr Franklyn KM Williams, with Desiree Ferguson,
Counsel for Respondent

26 January 2012

The oral judgment of the court was delivered by
Allen, P:

The Judges Rules are not rules of law, but rules of practice to ensure fairness. It is not every breach which results in a conviction being overturned. In any event, we do not agree that there was a breach of the Judges Rules in this case.

The question put by the officer to the appellant was spontaneous, as was the answer, and it was not until the appellant answered was there any reasonable cause to suspect that he was in possession of the drugs and the firearm that were found in the outside wall. The learned judge saw and heard the officers, accepted their evidence over that of the appellant and was satisfied that the appellant made the admission, and that it was an admission on which she could rely.

In the premises, we dismiss the appeal and affirm the convictions and the sentences of 18 months to run concurrently.

The appellant is remanded into custody to serve his sentence. Time already served is to be deducted from the sentence.

Dated this 26th day of January, 2012

ALLEN, P