

COMPLAINANT	DEFENDANT	WITNESS	NATURE OF OFFENCE
COMMISSIONER OF POLICE	Subject #1	Jonathan Ash	Count No. 32 <b>BRIBERY: CONTRARY TO SECTION 4(2)(b) OF THE PREVENTION OF BRIBERY ACT, CHAPTER 88.</b>
1461-17	Shane Gibson	Jack Thompson	Particulars are:
	D.O.B 07.09.1961	Gregory Butler	That you between 2 <sup>nd</sup> January, 2017 and 30 <sup>th</sup> April, 2017 at New Providence,
CASE NO. 1-17-052647	Age: 55yrs	Mary Mitchell	without lawful authority or reasonable excuse, did accept advantage
	Add: Lake Cunningham Est.	Branson Gibson	from Jonathan Ash in the amount of <b>\$25,000.00</b> , as inducement to,
	Nat: Bahamian	Denisia Aranha	or reward for, or otherwise on account of giving assistance
		St. 1492 Strachan	or using influence in approving outstanding payments owed to Jonathan Ash
		Insp. S. Darnes	By the Government of the Bahamas.
		Insp. McCartney	
		ASP D. Thompson	
			Count No. 33
			<b>BRIBERY: CONTRARY TO SECTION 4(2)(b) OF THE PREVENTION OF BRIBERY ACT, CHAPTER 88.</b>
			Particulars are:
			That you between 2 <sup>nd</sup> January, 2017 and 30 <sup>th</sup> April, 2017 at New Providence,
			without lawful authority or reasonable excuse, did solicit advantage
			from Jonathan Ash in the amount of <b>\$10,000.00</b> , as inducement to,
			or reward for, or otherwise on account of giving assistance
			or using influence in approving outstanding payments owed to Jonathan Ash
			By the Government of the Bahamas.



[illegible]

[illegible]

COMMONWEALTH OF THE BAHAMAS

2017/CRI/bal/

IN THE SUPREME COURT

Criminal Division

In the Matter of Article 28(1) of the Constitution of the Commonwealth of The Bahamas

And In the Matter of Section 4 (3A) of the Bail Act, Chapter 103 of the Revised Laws

BETWEEN



DAVID SHANE GIBSON

Applicant

AND

THE ATTORNEY GENERAL OF THE COMMONWEALTH  
OF THE BAHAMAS

Respondent

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that a Justice of the Supreme Court of the Commonwealth of The Bahamas will be moved on the day of , A.D., 2017 at o'clock in the noon or so soon thereafter as Counsel for the Applicant may be heard on an application for the following relief pursuant to Article 28 (1) of the Constitution of the Commonwealth of The Bahamas(hereinafter "the Constitution") and the inherent jurisdiction of the Court, namely:

1. A Declaration that Section 4 (3A) of the Bail Act, Chapter 103 of the Revised Laws (hereinafter "the Bail Act") is directly or indirectly inconsistent with Article 17 (1) of the Constitution and is therefore void.
2. A Declaration that Section 4 (3A) of the Bail Act is directly or indirectly inconsistent with Article 19 (3) of the Constitution and is therefore void.

3. Interim Relief in the nature of an Order for the immediate release of the Applicant from custody conditioned on his attendance at a hearing on his admission or otherwise to bail on the return date of the aforesaid Order.
4. An Order making provisions for the Costs occasioned by this application.

**AND TAKE NOTICE** that on the hearing of this Motion the Applicant will rely on the Affidavit of the Applicant filed in support hereof and any further Affidavit filed hereafter.

Dated this      day of      , A.D., 2017

**McKINNEY, TURNER & CO.**

Counsel & Attorneys-at-law  
Chambers, Oakbridge House  
13 West Hill Street  
Nassau, Bahamas

Attorneys for the Applicant

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Criminal Division

In the Matter of Article 28(1) of the Constitution of the  
Commonwealth of The Bahamas

And In the Matter of Section 4 (3A) of the Bail Act, Chapter 103  
of the Revised Laws

B E T W E E N

DAVID SHANE GIBSON

Applicant

AND

ATTORNEY GENERAL OF THE COMMONWEALTH  
OF THE BAHAMAS

Respondent

---

NOTICE OF ORIGINATING MOTION

---

2017/CRI/bal/

*McKinney Turner & co*  
**McKINNEY, TURNER & CO.**

Counsel & Attorneys-at-law  
Chambers, Oakbridge House  
13 West Hill Street  
Nassau, Bahamas

Attorneys for the Applicant

# McKINNEY, TURNER & CO.

COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

## PARTNERS

Anthony A. McKinney Q.C.  
Andrew K. McKinney  
Owen C.B. Wells

## ASSOCIATES

Nicola McKinney (inactive)

## CONSULTANT COUNSEL

Michael C. E. Turner

3rd August, 2017

## CHAMBERS

Oakbridge House  
13 West Hill Street  
P. O. Box N-8195  
Nassau, Bahamas

TELEPHONE: (242) 322-8914

(242) 322-7603

FACSIMILE: (242) 328-8326

## EMAIL:

[macturnr@coralwave.com](mailto:macturnr@coralwave.com)

[info@mckinneyturner.com](mailto:info@mckinneyturner.com)

## BY HAND & EMAIL

Mr. Garvin Gaskins  
Director of Public Prosecution  
Attorney General Office  
Paul L. Adderley Building  
JFK Drive  
Nassau, The Bahamas

Dear Mr. Gaskins,

## Re: Shane Gibson and the Commissioner of Police

We write in respect to the above- mentioned matter.

We have been instructed by Mr. Damien Gomez Q.C. to forward to you the following documents:-

1. Draft Affidavit of David Shane Gibson;
2. Summons.

We intend to file both documents today if a decision is made to charge Mr. Gibson, if Mr. Gibson is charged today we intend to seek Bail immediately ( today). We ask for your indulgence in expediting this Bail Hearing.

We look forward to hearing from you in due course.

Yours faithfully,  
McKINNEY, TURNER & CO

Owen C. B. Wells

OCBW \*cc

49

# McKINNEY, TURNER & CO.

COUNSEL AND ATTORNEYS-AT-LAW

NOTARIES PUBLIC

## PARTNERS

Anthony A. McKinney Q.C.  
Andrew K. McKinney  
Owen C.B. Wells

## ASSOCIATES

Nicola McKinney (inactive)

## CONSULTANT COUNSEL

Michael C. E. Turner

## CHAMBERS

Oakbridge House  
13 West Hill Street  
P. O. Box N-8195  
Nassau, Bahamas

TELEPHONE: (242) 322-8914

(242) 322-7603

FACSIMILE: (242) 328-8326

## EMAIL:

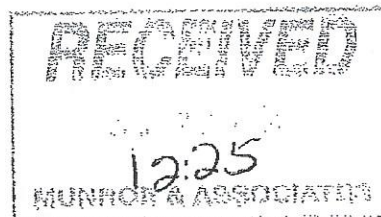
[macturn@coralwave.com](mailto:macturn@coralwave.com)

[info@mckinneyturner.com](mailto:info@mckinneyturner.com)

22<sup>nd</sup> January, 2018

## BY HAND

Mr. Garvin Gaskins  
Deputy Director of Public Prosecutions  
Attorney General  
Paul Adderley Building  
John F. Kennedy Drive  
P.O. Box N-3007



Re: David Shane Gibson - VBI No. 233/10/2017

Dear Mr. Gaskins,

We are the attorneys of record for the accused Mr. David Shane Gibson.

At the arraignment hearing before Madam Justice Bethel-Thompson on the 3<sup>rd</sup> October A.D., 2017, we asked Counsel (Mr. Terry Archer) appearing for the Crown to provide us with copies of original handwritten statements given to the police by Mr. Jonathan Ash and Ms. Deborah Bastian, as the other witnesses handwritten statements were provided previously.

Mr. Archer informed us that no recorded handwritten statements were made by either Mr. Jonathan Ash or Ms. Deborah Bastian. As we are familiar with the practice and procedure of the police when taking statements from witnesses we find this to be incredible, as it is the normal practice and procedure for the statements to be first handwritten and then thereafter typewritten. This again is evidenced by the Statements that were provided for the other witnesses.

**McKINNEY, TURNER & CO.**  
COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

Mr. Garvin Gaskins

22<sup>nd</sup> January, 2018

We therefore hereby formally request copies of the following:-

1. All handwritten Statements provided by Mr. Jonathan Ash and Ms. Deborah Bastian.
2. Every written, recorded, and/or oral statement of Mr. Gibson made, in the course of the alleged criminal investigation, to a public servant engaged in law enforcement activity or to any person(s) then acting under the direction of our client or in cooperation with him **AND** approximately when Mr. Gibson is alleged to have made each statement and where he was when each alleged statement was made.
3. Any video recording (DVD(s)) and or any other electronic recording of the taking of the Statements of Mr. Jonathan Ash, Ms. Deborah Bastian, Ms. Gregory Butler, Ms. Jack Thompson, Ms. Mary Mitchell, Ms. Denisia Aranha, Ms. Branson Gibson relating to the criminal action or proceedings pending against Mr. Gibson.
4. All bank account information in relation to Mr. Jonathan Ash from the year 2014 to July 2017.
5. Every photograph and/or drawing relating to the alleged criminal action or proceeding which was made or completed by a public servant engaged in law enforcement activity or which was made by any in respect to these proceedings including but not limited to photographs, diagrams, sketches, memo book entries.

**McKINNEY, TURNER & CO.**  
COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

Mr. Garvin Gaskins

22<sup>nd</sup> January, 2018

6. Information pertaining to any or all property alleged to have been obtained from or attributed to Mr. Gibson.

7. Every tape and other electronic recording in the possession of the prosecution, irrespective of whether such recording was made during the course of the alleged criminal transaction and investigation, including but not limited to all tapes of radio transmissions, tapes of telephone calls, and videotapes, if any, as well as any BTC and ALIV printout and precinct telephone switchboard record or telephone log entries.

---

8. The approximate date, time, and place of each offence alleged to have been committed by Mr. Gibson.

9. Anything required to be disclosed, prior to trial, to the accused by the prosecutor, including but not limited to all property, evidence, information, or leads to information, which is exculpatory or which could reasonably be expected to weaken or affect any evidence proposed to be introduced against our client or which would in any manner aid our client in the preparation of an adequate and proper defence or which are otherwise favourable to our client or which may lead to exculpatory or arguably exculpatory property, evidence, or leads, regardless of any statute, rule, or regulation otherwise governing the time of disclosure of such items and (2), on a continuing basis, regardless of whether admissible at trial or not.

10. The Curriculum Vitae of any and all experts the crown intends to call during trial as well as a written summary of the expert testimony that the crown intends to rely on. Unless you advise otherwise by 22<sup>nd</sup> February A.D., 2018, we will assume that no expert

**McKINNEY, TURNER & CO.**  
COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

Mr. Garvin Gaskins

22<sup>nd</sup> January, 2018

testimony will be introduced at trial. We will rely on this information in preparation for trial.

11. All deals, arrangements, benefits or promises of benefit, to procure cooperation or evidence for the Crown in connection with this case inclusive of any immunity agreements or promise of immunity offered to Mr. Ash or Ms. Bastian.

12. The Police Case Diary in relation to the investigation of our client.

These requests are made to help in the preparation of Mr. Gibson's case. We ask that you respond to these requests as soon as possible. In the event that you are unable or unwilling to provide the requested material or that you disagree with any of the foregoing representations, please advise us promptly so that we may properly file any pre-trial motions.

We look forward to hearing from you in due course.

Yours faithfully,  
**McKINNEY, TURNER & CO.**

  
Owen C.B. Wells

cc: Attorney, Wayne Munroe QC – Munroe and Associates

In The Supreme Court  
Criminal Division

The Queen versus

DAVID SHANE GIBSON

To Wit:

DAVID SHANE GIBSON is charged with the following offences:

First Count (was Sixteenth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on a date between Monday, 16<sup>th</sup> January, 2017 and Thursday, 19<sup>th</sup> January, 2017 at New Providence, being concerned with another, in your capacity as a public servant, without lawful authority or reasonable excuse, solicited \$250,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Second Count (was Seventeenth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on about Thursday, 19<sup>th</sup> January, 2017 at New Providence, being concerned with another, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$50,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Third Count (was Eighteenth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on about Tuesday, 24<sup>th</sup> January, 2017 at New Providence, being concerned with another, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$25,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Fourth Count (was Nineteenth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on a date between about Tuesday, 24<sup>th</sup> January, 2017 and Tuesday, 31<sup>st</sup> January, 2017 at New Providence, being concerned with another, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$25,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Fifth Count (was Twentieth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on various dates between Monday, 30<sup>th</sup> January, 2017 and Tuesday, 28<sup>th</sup> February, 2017 at New Providence, being concerned with another, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted several payments in cash amounting together to \$100,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving

assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

**Sixth Count (was Twenty-First Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Friday, 10<sup>th</sup> February, 2017 and Tuesday, 14<sup>th</sup> February, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, solicited \$25,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

**Seventh Count (was Twenty-Second Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Friday, 10<sup>th</sup> February, 2017 and Tuesday, 14<sup>th</sup> February, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$25,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

**Eighth Count (was Twenty-Third Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Tuesday, 14<sup>th</sup> February, 2017 and Friday, 17<sup>th</sup> February, 2017, at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, solicited \$25,000.00 from Jonathan Ash as

an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

**Ninth Count (was Twenty-Fourth Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Tuesday, 14<sup>th</sup> February, 2017 and Friday, 17<sup>th</sup> February, 2017, at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$25,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

**Tenth Count (was Twenty-Fifth Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Friday, 24<sup>th</sup> February, 2017 and Friday, 3<sup>rd</sup> March, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, solicited \$10,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

**Eleventh Count (was Twenty-Sixth Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Friday, 24<sup>th</sup> February, 2017 and Friday, 3<sup>rd</sup> March, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$10,000.00 from Jonathan Ash as an

inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Twelfth Count (was Twenty-Seventh Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, between Saturday, 4<sup>th</sup> March, 2017 and Saturday 11<sup>th</sup> March, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, solicited \$10,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Thirteenth Count (was Twenty-Eighth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on a date between Sunday, 12<sup>th</sup> March, 2017 and Sunday, 19<sup>th</sup> March, 2017 between at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$10,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

Fourteenth Count (was Twenty-Ninth Count)

Statement of Offence

BRIBERY, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

Particulars of Offence

That you, DAVID SHANE GIBSON, on a date between Monday, 20<sup>th</sup> March, 2017 and Monday, 27<sup>th</sup> March, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, solicited \$10,000.00 from Jonathan Ash as

an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of the Bahamas.

**Fifteenth Count (was Thirtieth Count)**

**Statement of Offence**

**BRIBERY**, contrary to section 3 (2) (a) and punishable under section 10 (a) of the Prevention of Bribery Act, Chapter 88.

**Particulars of Offence**

That you, **DAVID SHANE GIBSON**, on a date between Monday, 20<sup>th</sup> March, 2017 and Monday, 27<sup>th</sup> March, 2017 at New Providence, in your capacity as a public servant, without lawful authority or reasonable excuse, accepted \$10,000.00 from Jonathan Ash as an inducement to, or reward for, or otherwise on account of giving assistance or using influence in approving outstanding payments owed to Jonathan Ash by the Government of The Bahamas.

---

(for) and on behalf of the **ATTORNEY GENERAL**

# McKINNEY, TURNER & CO.

COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

## PARTNERS

Anthony A. McKinney Q.C.  
Andrew K. McKinney  
Owen C.B. Wells

## ASSOCIATES

Nicola McKinney (inactive)

## CONSULTANT COUNSEL

Michael C. E. Turner

## CHAMBERS

Oakbridge House  
13 West Hill Street  
P. O. Box N-8195  
Nassau, Bahamas

**TELEPHONE:** (242) 322-8914

(242) 322-7603

**FACSIMILE:** (242) 328-8326

## EMAIL:

[macturnr@coralwave.com](mailto:macturnr@coralwave.com)

[info@mckinneyturner.com](mailto:info@mckinneyturner.com)

31<sup>st</sup> May, 2018

## BY HAND

Mr. James Guthrie QC  
Office of the Attorney General  
& Minister of Legal Affairs  
Paul Adderley Building  
John F. Kennedy Drive  
P.O. Box N-3007

Mr. Terry Archer  
Office of the Attorney General  
& Minister of Legal Affairs  
Paul Adderley Building  
John F. Kennedy Drive  
P.O. Box N-3007

**Re: David Shane Gibson - VBI No. 233/10/2017**

Dear Mr. Guthrie & Archer,

We act along with Messrs. Munroe and Associates for David Shane Gibson.

On the 22<sup>nd</sup> January A.D., 2018, we wrote to Mr. Garvin Gaskin, DPP requesting discovery of the following items to assist with the preparation of our client's defence in the upcoming criminal proceedings:-

1. All handwritten Statements provided by Mr. Jonathan Ash and Ms. Deborah Bastian.

# McKINNEY, TURNER & CO.

COUNSEL AND ATTORNEYS-AT-LAW

NOTARIES PUBLIC

2. Every written, recorded, and/or oral statement of Mr. Gibson made, in the course of the alleged criminal investigation, to a public servant engaged in law enforcement activity or to any person(s) then acting under the direction of our client or in cooperation with him AND approximately when Mr. Gibson is alleged to have made each statement and where he was when each alleged statement was made.
3. Any video recording (DVD)(s) and or any other electronic recording of the taking of the oral Statements of Mr. Jonathan Ash, Ms. Deborah Bastian, Mr. Gregory Butler, Mr. Jack Thompson, Ms. Mary Mitchell, Ms. Denisia Aranha, Ms. Branson Gibson relating to the criminal action or proceedings pending against Mr. Gibson.
4. All bank account information in relation to Mr. Jonathan Ash from the year 2014 to July 2017.
5. Every photograph and/or drawing relating to the alleged criminal action or proceeding which was made or completed by a public servant engaged in law enforcement activity or which was made by anyone in respect to these proceedings including but not limited to photographs, diagrams, sketches, memo book entries.
6. Information pertaining to any or all property alleged to have been obtained from or attributed to Mr. Gibson.
7. Every tape and other electronic recording in the possession of the prosecution, irrespective of whether such recording was made during the course of the alleged criminal transaction and investigation, including but not limited to all tapes of radio transmissions, tapes of telephone calls, and videotapes, if any, as well as any BTC and ALIV printout and precinct telephone switchboard record or telephone log entries.
8. The approximate date, time, and place of each offence alleged to have been committed by Mr. Gibson.

# **McKINNEY, TURNER & CO.**

COUNSEL AND ATTORNEYS-AT-LAW

NOTARIES PUBLIC

9. Anything required to be disclosed, prior to trial, to the accused by the prosecutor, including but not limited to all property, evidence, information, or leads to information, which are exculpatory or which could reasonably be expected to weaken or affect any evidence proposed to be introduced against the accused or which would in any manner aid the accused in the preparation of an adequate and proper defence or which are otherwise favourable to the accused or which may lead to exculpatory or arguably exculpatory property, evidence, or leads, regardless of any statute, rule, or regulation otherwise governing the time of disclosure of such items and (2), on a continuing basis, regardless of whether admissible at trial or not.
10. The Curriculum Vitae of any and all experts the crown intends to call during trial as well as a written summary of the expert testimony that the crown intends to rely on. Unless you advise otherwise by 22<sup>nd</sup> February A.D., 2018, we will assume that no expert testimony will be introduced at trial. We will rely on this information in preparation for trial.
11. All deals, arrangements, benefits or promises of benefit, to procure cooperation or evidence for the Crown in connection with this case inclusive of any immunity agreements or promise of immunity offered to Mr. Ash or Ms. Bastian.
12. The Police Case Diary in relation to the investigation of our client.

By letter dated the 10<sup>th</sup> May A.D., 2018 your office provided the following: -

1. "The DVD'S which are referred to in the statement of Sgt. 1492 Strachan";
2. "The report and CD'S of the Record of Interview was downloaded by Sgt. 1492 Dale Strachan";
3. "The further material referred to in the statement of Insp. Dames";
4. "The spreadsheet referred to in the statement of Jack Thompson";
5. "The analysis and accompanying referred to in the statement of Mary Mitchell";

**McKINNEY, TURNER & CO.**

COUNSEL AND ATTORNEYS-AT-LAW

NOTARIES PUBLIC

Further, you also gave Notice of the following additional evidence the Crown intends to produce:-

1. "Ms. Audrey Dames together with cheques and bank statements from Mr. Ash's account #3003715 at Commonwealth Bank";
2. "Report of Philip de Nahlik BSc ACA, who the Crown proposes to give expert evidence".

The disclosure provided under cover of your letter dated 10<sup>th</sup> May A.D., 2018 was very limited in scope and did not satisfy your obligation to provide the full or proper discovery necessary to allow our client properly to prepare his defence. In the circumstances, it is imperative that we reiterate our request for the each of the previously requested items which were not provided or addressed in your correspondence. If the outstanding items do not exist, we request your formal confirmation of same.

For your ease of reference, the following items remain outstanding:

1. All handwritten Statements provided by Mr. Jonathan Ash and Ms. Deborah Bastian.

OUR NOTE: Mr. Archer informed us<sup>1</sup> that written manuscripts do not exist. Our view on this matter has already been expressed in previous correspondence. Please confirm in writing whether written manuscripts for Mr. Johnathan Ash and Ms. Deborah Bastian exist or not. Further, we simply cannot believe the suggestion that we have had full disclosure of all statements provided by Mr. Johnathan Ash and Ms. Deborah Bastian and notes all of all interviews conducted with them. We ask to be provided with a Written Statement or Affidavit from the Corruption Unit, stating that a search has been made for all such statements and materials and those provided dated the 28<sup>th</sup> June A.D. 2017 (Ash) and 25<sup>th</sup> July A.D., 2017 (Bastian) are their only statements.

---

<sup>1</sup> This communication is referenced in our letter to DPP dated 22<sup>nd</sup> January, 2018

**McKINNEY, TURNER & CO.**

COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

2. Any video recording (DVD)(s) and or any other electronic recording of the taking of the Statements of Mr. Jonathan Ash and Ms. Deborah Bastian.

OUR NOTE: To date, we have only been provided with a DVD recording of Mr. D. Shane Gibson giving his oral statement to the investigating officers.

3. All deals, arrangements, benefits or promises of benefit, to procure cooperation or evidence for the Crown in connection with this case inclusive of any immunity agreements or promise of immunity offered to Mr. Jonathan Ash, Ms. Bastian or Jack Thompson.

OUR NOTE: Mr. James Guthrie QC indicated verbally at our last appearance before the Acting Chief Justice Isaacs that the immunity agreements were being settled and that copies would be provided.

4. The Police Case Diary in relation to the investigation of our client.

OUR NOTE: To date, we have not been provided with any information contained in the police case diary. For the avoidance of doubt, we note in D/ASP Thompson statement dated 16<sup>th</sup> August A.D., 2017 the following declaration: "*On Sunday 25<sup>th</sup> June A.D., 2017, I saw and spoke to Mr. Anthony Ferguson, Deputy Commissioner, who handed over to a criminal investigation file, and he instructed me to commence investigation into this matter concerning an alleged Bribery in relation to a complaint made by Jonathan Ash*". We hereby request the referenced criminal investigation file along with the complete case diary which are plainly relevant to our client's case.

5. All bank account information of Mr. Jonathan Ash or his affiliated businesses and or companies, viz. Ash Enterprises, Ash Enterprises & Trucking Services and High Rollers Enterprises Ltd. We would ask to be provided with all of the bank records referred to in the Witness Statement of the proposed expert witness including the records that the witness did not examine on instructions. We would also ask for confirmation that the records indicated above constitute all of the accounts of Mr. Ash, his entities and Mrs. Ash.

**McKINNEY, TURNER & CO.**

COUNSEL AND ATTORNEYS-AT-LAW

NOTARIES PUBLIC

**OUR NOTE:** To date, we have only been provided banking details for Mr. Ash concerning Account # 3003715 at Commonwealth Bank.

On a further review of this matter, we have concluded that the production of additional documents and materials (not previously requested) are required in furtherance of your duties for full or proper disclosure. We therefore request that you forthwith provide following items; or alternatively that you confirm that the said items do not exist:-

- a. Copies all of Supreme Court documents or documents of the Financial Intelligence Unit relating to any injunction or freezing orders with respect to Mr. Jonathan Ash, his above listed companies and also the banking accounts his immediate family members;
- b. Copies all of Supreme Court documents or documents of the Financial Intelligence Unit relating to any injunction or freezing orders with respect Ms. Deborah Bastian and her immediate family members;
- c. Copies of all antecedents/convictions of Mr. Jonathan Ash. Also, information as to whether, at the date of the arraignment of our client, there was any pending criminal charges against either Mr. Jonathan Ash or Ms. Deborah Bastian;
- d. Access to the cell phones of Mr. Jonathan Ash and Ms. Deborah Bastian in order to have our own expert do any independent assessment on the contents of the same;
- e. Copies of all electronic communications between Mr. Jonathan Ash and Ms. Deborah Bastian including but not limited to WhatsApp messages, text messages and emails;
- f. Copies of all infractions committed by Mr. Jonathan Ash and his various companies with any government agency including but not limited to the Customs Department;

**McKINNEY, TURNER & CO.**

COUNSEL AND ATTORNEYS-AT-LAW  
NOTARIES PUBLIC

- g. Copies of any reports generated by or from any listening device or photographs, or videotape in relation to this matter;
- h. Confirmation of all dates and times when Mr. Jonathan Ash and Ms. Deborah Bastian met with the investigating officers in this matter;
- i. All phone records, billings and statements of Mr. Jonathan Ash, Ms. Deborah Bastian and Mr. David Shane Gibson;
- j. Copies of all correspondence on the public files related to the work of the National Recovery and Reconstruction Unit(NRRU). In particular we request copies of all minutes kept by Mr. Jack Thompson at meetings held in relation to the Hurricane cleanup by NEMA following Hurricane Matthew which involved or referenced our client in any way, all emails passing between the NRRU, any of it's agents and any other Government agency or contractor. Additionally, we request copies of all records of NEMA related to the Spreadsheet (referred to in the Statement of Jack Thompson) together with all related documents and emails.

Further, we request confirmation that the only Oral Statement that exists and the Crown intends to rely on by Mr. David Shane Gibson is his Oral Statement given on the 2<sup>nd</sup> August A.D., 2017.

We look forward to hearing from before the scheduled trial date of the 11<sup>th</sup> June A.D., 2018.

Yours faithfully,

**McKINNEY, TURNER & CO.**

  
Owen C.B. Wells

cc: Attorney, Wayne Munroe QC – Munroe and Associates

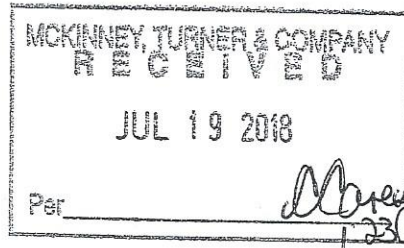


## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

*"Excellence in all of our thinking and in all of our doing."*

18<sup>th</sup> July, 2018

Mr. Owen Wells  
Partner  
**McKinney, Turner & Co.**  
Oakbridge House  
#13 West Hill Street  
Nassau, The Bahamas



Dear Sir:

**R v. David Shane Gibson – VBI No. 233/10/2017**

We are writing in response to the matters raised in your letter of 31<sup>st</sup> May, 2018.

First, we note the reference to 'outstanding items' on page 4 of your letter. We are able to deal with these as follows.

1. Your request for *'All handwritten Statements provided by Mr. Jonathan Ash and Ms. Deborah Bastian.'*

Mr. Ash did not make or sign any handwritten statement. We have supplied you with a copy of his typewritten statement, signed and dated 28<sup>th</sup> June, 2017.

Ms. Bastian was a suspect in this matter, and we now enclose:

- (i) A record of her interview under caution dated 1<sup>st</sup> July 2017, handwritten and typed, which she did not sign.
- (ii) Her handwritten and typed statement under caution dated 4<sup>th</sup> July 2017.
- (iii) Her handwritten and typed witness statement dated 19<sup>th</sup> July 2017.
- (iv) Her handwritten and typed witness statement dated 25<sup>th</sup> July 2017.
- (v) The receipt she signed for the return of her Samsung telephone dated 4<sup>th</sup> August 2017.

*Paul L. Adderley Building, No. 18 John F. Kennedy Drive, P.O. Box N-3007,  
Nassau, The Bahamas Tel: 502-0400 Fax: 326-9277*

We have supplied you with her typewritten statement, signed and dated 25<sup>th</sup> July, 2017.

2. We note you request for a *'Written Statement or Affidavit from the Corruption Unit'*.

This request is both unnecessary and unjustified. We repeat that we are aware of our obligations as to disclosure. We are satisfied these have now been fully complied with.

3. Your request for *'Any video recording (DVD) (s) and or any other electronic recording of the taking of the Statements of Mr. Jonathan Ash and Ms. Deborah Bastian.'*

There is no electronic record with regard to Mr. Ash. There is an electronic record (i) of Ms. Bastian's interview under caution dated 1<sup>st</sup> July, 2017 and (ii) of her statement under caution dated 4<sup>th</sup> July, 2017. (For your information these were recorded because at that time she was treated as a suspect). The CD of the statement under caution dated 4<sup>th</sup> July, 2017 is enclosed.

4. Your request with regard to *'All deals, arrangements, benefits or promises of benefit, to procure cooperation or evidence for the Crown in connection with this case inclusive of any immunity agreements or promise of immunity offered to Mr. Jonathan Ash, Ms. Bastian or Jack Thompson.'*

A summary of the immunity agreement signed by Mr. Ash is enclosed. Ms. Bastian was offered an immunity agreement, a summary of this is also enclosed. No immunity agreement exists with, or has been offered to, Mr. Thompson.

5. Your request for *'The Police Case Diary in relation to the investigation of our client.'*

The case diary is an internal administrative record which is not disclosable: it does not contain material on which the Crown either relies or which it is required to disclose because it may be of benefit to the defence. For your information the *'criminal investigation file'* referred to in ASP Thompson's statement dated 16<sup>th</sup> August 2017 contained a blank police diary and incident form.

We have enclosed a statement from Sgt. 1877 Donald Rolle which outlines the inquiries that Ms. Bastian conducted with the police.

6. Your request for *'All bank account information in relation to Jonathan Ash ...'* etc.

We have supplied you with the information attached to the expert's report prepared by Mr. de Nahlik and disclosed on 10<sup>th</sup> May, 2018. We consider that you are also entitled to see the further material referred to in that report and this is now enclosed.