

On pages 6 – 7 of your letter dated 31<sup>st</sup> May, 2018 you make a number of additional requests, at items a – j.

**Item 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 ... etc.'*

We can confirm that an *ex parte* freezing Order was obtained in respect of the accounts of Mr. Ash at Commonwealth Bank. We do not consider that it is necessary to disclose the documents sought.

**Item 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'.*

There are none.

**Item 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.'*

There are no criminal convictions recorded against either Mr. Ash or Ms. Bastian. We have enclosed the antecedent form for Mr. Ash and Ms. Bastian.

**Item 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.'*

The witnesses' cell phones have been returned to them. The relevant information has already been provided.

**Item 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'.*

The relevant information has already been provided.

**Item 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.'*

We are not aware of any but are making inquiries.

**Item g:** *'Copies of any reports generated by or from any listening device or photographs, or videotape in relation to this matter'.*

These have either already been provided or enclosed in response to your Requests 1 and 2 above. Photographs and fingerprints were routinely taken but are not relevant to the prosecution.

**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

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**Item h:** *'Confirmation of dates and times when Mr. Jonathan Ash and Ms. Deborah Bastian met with the investigating officers in this matter'.*

You are not entitled to this information which is not relevant.

**Item i:** *All phone records, billings and statements of Mr. Jonathan Ash, Ms. Deborah Bastian and Mr. David Shane Gibson.*

We have supplied you with the relevant information. Presumably your client will have any such material as relates to him.

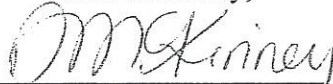
**Item j:** *Copies of all correspondence on the public files related to the work of the National Recovery and Reconstruction Unit (NRRU). In particular we request copies of all minutes kept by Mr. Jack Thompson at meetings held in relation to the Hurricane cleanup by NEMA following Hurricane Matthew 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.*

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

We note that you also ask: *'... 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 are not sure of the ambit of this request. The Crown does not intend rely on any other interview or statement by way of admission or otherwise made to the police. For the avoidance of any doubt, his conversations with other witnesses as foreshadowed by their witness statements will no doubt be the subject of examination and cross-examination at trial.

Yours Sincerely,



Destiny McKinney (Ms.)

Crown Prosecutor

**Enclosures:**

1. Summary of Immunity Agreement for Jonathan Ash
2. Summary of Immunity Agreement offered to Deborah Bastian

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3. CD of recording of statement under caution of Deborah Bastian dated 4th July, 2017
4. Record of Interview of Deborah Bastian dated 1st July, 2017 (typed and handwritten)
5. Statement under caution of Deborah Bastian dated 4th July, 2017 (typed and handwritten)
6. Statement under caution of Deborah Bastian dated 19th July, 2017 (typed and handwritten)
7. Statement under caution of Deborah Bastian dated 25th July, 2017 (typed and handwritten)
8. Receipt acknowledging return of cell phone for Deborah Bastian
9. Antecedent of Deborah Bastian
10. Antecedent of Jonathan Ash
11. Report of Sgt. 1877 Donald Rolle
12. Statement of Account and cheques of Jonathan Ash - Account No's. 3003715, 7077022416 and 8033016545 from November 1, 2016 – June 30, 2017

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Recorded 25 September, 2017.

**AUDIO RECORDING TITLE: VOICE 003.m4a**

**AUDIO LENGTH: 1:15:06**

RAYMOND ROLLE: The last time you were here I wanted him to speak to you here.

DEBORAH BASTIAN: Don't worry.

ASP THOMPSON: He's coming now with his attorney and so....  
(Inaudible)... Let me briefly explain that the reason I invited you back here was just to clear up some ambiguity in your account and his account as it relates to what discussion y'all had prior to the meeting and what occurred on the day of the meeting. That's what I need clarity on.

DEBORAH BASTIAN: Alright.

DEBORAH BASTIAN: Morning

RAYMOND ROLLE: Morning

JONATHON ASH: Morning. How are you?

ASP THOMPSON: Where is the attorney? I thought they told me she was in the car.

JONATHON ASH: She is. She's coming now.

ASP THOMPSON: Okay. And then, Rolle bring a chair please.

~~Ash~~ MALE: What's happening Ms. Thompson?

ASP THOMPSON: Right here.

~~Ash~~ MALE: You good? Ms. B, how are you?

DEBORAH BASTIAN: I'm great. How are you?

MALE: Solid like a rock

DEBORAH BASTIAN: That's good.

(Cell phone rings)

ASP THOMPSON: Trying this rice technique. Trying to get this phone to work. It working but they tell me I need to put it in the sun to dry out some more. It came on but.... Excuse my jam up office.

MALE: You get your phone?

ANOTHER MALE: I have my phone.

ASP THOMPSON: I'm good and you? I know y'all been trying to reach me on my phone but my phone down right now, so for the sake of everybody here, this is attorney Raymond Rolle, of course y'all know Ms. Deborah Bastian, attorney Alicia Bowe, Jonathon Ash and then Sergeant 1877 Rolle. And the reason I invited y'all back here was to clear up some ambiguity in your statements in terms of y'all account of what transpired leading up to the meeting with Minister Gibson and what occurred on the day of when y'all met with him; and as it relates to how much money you gave to Ms. Bastian because those accounts, it differs. Alright, so who wants to start first? I know Mr. Ash, you could give an overview and summary of what you told us transpired and then if there's anything you don't agree with, with what he's saying Ms. Bastian, you let us know and then I want you to explain to him what you told us and if there's anything you don't agree with, you let us know so we could clear this up. We need to iron this out because y'all are giving two different accounts as to what transpired leading up to the meeting, what happened on the day of the meeting, and then the payments; how much money was disbursed as it relates to what you put in Deborah Bastian to give to Mr. Gibson. I need to get that clear.

JONATHON ASH: Okay

ALICIA BOWE: So that's the main issue?

ASP THOMPSON: Yeah. Those three, yeah.



ALICIA BOWE: Clarification as to what transpired leading up to the meeting?

ASP THOMPSON: Leading up to the meeting there was a conversation between both Ash and Ms. Bastian. Who drove the discussion, what was discussed, what was the agreement between them and when they went to the meeting what transpired at that meeting, who said what and how it was said. And then also, how much money, if any, he gave to Ms. Bastian to give to Mr. Gibson and what the undertaking was.

(Silence)

JONATHON ASH: Alright, let me start off by saying good morning.

Male and female voices: Good Morning

JONATHON ASH: Uh, today is a good day. Today is a great day. I met Ms. Bastian through Mr. Butler. Um, seems to be a very nice lady. In my mind I still think she is a nice lady. I have no problems with her. Uh, doing the period of the contracts, I noticed I wasn't being paid. So I said to Ms. Bastian... I mean I'd go to her sometimes for advice, I'd ask her one or two questions. I won't hide that. But it came a point when I think the government did owe me at least almost one million dollars and I said to Ms. Bastian I don't want get left holding this bag. I said, "I need to get my money". So she said to me, say no problem. I went to Jack Thompson. I told him the same thing. I said, "Bro, I need to get my money. How I gon' get my money?" I was being paid all along. My first one or two cheques came down through Ministry of Works. After a period of time I realized that I wasn't being paid no more so I went there and I said, "Man listen, I need my money." She said to me, "Okay, I will make sure you get pay." So I wait another week. Salaries coming up every week, I using my money to pay the workers. I ain't being paid. So I said okay, no problem. So I went back to her. I said, Deborah Bastian, I need to get my money. So she said, "Okay I'm gonna arrange a meeting with Mr. Gibson. That's the fella who responsible for paying you". I said "Okay, no problem but you know they is call him Dirty Thirty, right?"

I say, "Now, you know the gentleman does want something out of the deal. That's what I'm hearing from off the road. Now I'n prepared to pay him no money."

She tell me, "No, it ain't gon' be like that you know. Just go to him and tell him your concerns and what you ga want."

I say, "Alright, no problem." I waited. Supposed to happen on this particular day. It didn't happen. Eventually she did call me and say "Listen, I get a meeting. We ga meet here."

I never been to this place before. That was I think, right off East Street by the court. Because I keep asking where this place is because I wasn't familiar with where I was going. I think I reach there before her. She was in the car in the back and I waited on her. She escorted me to the back because I didn't know where...

ASP THOMPSON: You said you reached there before her?

JONATHON ASH: If I could remember, I think I probably reach there before her.

ASP THOMPSON: Where did you wait? Did you go in the office before her?

JONATHON ASH: I didn't even know where to go.

ASP THOMPSON: Were you in the parking lot waiting for her? Where were you?

JONATHON ASH: If I could remember, I was....not in the parking lot. I was, uh, inside the...

ASP THOMPSON: Waiting area?

JONATHON ASH: I think I was in the waiting area? Right there. I saw her come in and then she escort me to the back.



ASP THOMPSON: Did you go into the meeting with Mr. Gibson before she came?

JONATHON ASH: No ma'am. I never know Mr. Gibson. At the time, I never even speak with Mr. Gibson. If you check my phone trace, I could give you full proof, full records, to go to the government and see where I never call Mr. Gibson until after that day. Me and Mr. Gibson had no relationship. I don't know the man. I met him through this young lady right here.

ASP THOMPSON: So, on the day you got there first and you waited in the waiting area.

JONATHON ASH: Yes ma'am.

ASP THOMPSON: Until she arrived.

JONATHON ASH: Yes ma'am.

ASP THOMPSON: And then what happened after that?

JONATHON ASH: After that we went inside the meeting. Uhhh (pause) I mean, I mean this already in my statement so I ain't gatta hide this. Uhhhh, I give Mr. Rahman couple of dollars, right? That's the Chief Engineer.

ASP THOMPSON: Uh huh

JONATHON ASH: I paid him some money, okay? So I told her that. I say, well you know, Rahman, I is give Rahman a little something out of the deal. So, we're in the meeting now, we're having this discussion. I'm speaking to Mr. Gibson. I say, "Mr. Gibson man, I need to know when I'm going to be paid. I already did my work. Can you please pay me?"

JONATHON: Uh, he said, "You did the work?" I said, "Yes Sir." He said, "Well you should be paid if you did the work." Right? So after that he had out, said (pause) Deborah Bastian said, "What happen? You tell Mr. Gibson you is give Chief Rahman some money, right?"



JONATHON ASH: So I, so I look at her to say well, "Man, why you would bring this up in this meeting? This man ain't need to know this." You see what I'm saying? But, then again him being the Minister in charge, right, I didn't lie. I come again and confess, "Yes, I did give the guy couple of dollars." Right? And he didn't say anything. He start smiling. Uhhh, he didn't say well "Why you paying him?" or nothing like that. All he did was start smiling and after that he get up, he get up and then he left.

JONATHON ASH: And then she say, "Well, well you know", she told me say, "Well you know what he gatta do." I say, "What you mean what we gatta do, man?"

JONATHON ASH: Say, "We gatta give the guy, he want some money too."

JONATHON ASH: I say, "Money?"

JONATHON ASH: Then when she call the figure of the money, I say, "No man, I gatta call my old man, I say, I'n..."

ASP THOMPSON: What she said? What she said?

JONATHON ASH: Huh?

ASP THOMPSON: What, what...

JONATHON ASH: Two hundred and fifty. 250,000.

ASP THOMPSON: She said that y'all gatta give him...

JONATHON ASH: 250,000

ASP THOMPSON: To who?

JONATHON ASH: To Mr. Shane Gibson

ASP THOMPSON: Okay

JONATHON ASH: That's my side of the story.

ASP THOMPSON: And, and what happen after that? I wrote...

JONATHON ASH: After that the gentleman didn't really come back into the room. Uhhh, he stayed in his office. Me and her talk for a while and then we left. And I told her I'll bring her some money back in that day.

ASP THOMPSON: Okay, and how much payments you made to Deborah Bastian for Mr. Gibson?

JONATHON ASH: Well, to be honest with you, I give Deborah Bastian, uh, (pause) on many occasions I give her money, uh, for Mr. Gibson but, but, but, but, uh, the whole thing about it is that, is that, uh, I mean the proof is there? If you search, the proof is right there.

ASP THOMPSON: I need to know. How much, how much payments, how much money in total you would estimate you gave to her?

JONATHON ASH: You mean for, who, for Mr. Gibson?

ASP THOMPSON: Yeah

JONATHON ASH: Boy. I know we have 250,000 on that paper, right? Right? Uhhh, but going back and thinking in my mind, I think it could've been a little more than that.

ASP THOMPSON: More than 250,000 that you put in her hand to give to Mr. Gibson.

JONATHON ASH: (Pause) Could've been a little more than that. That's what I'm saying. Going back over the paper. Yeah. Going back over it because see I ain't, yeah, going back over it, it could've been more than 250,000. To be real with ya. Alright? To be, to be straight up. Could be more. If I could just have a day to probably just sit down and summarize it, go to my bank and get all my statements and see I'll be able to determine just how much money I give him during that period of time.

ASP THOMPSON: Okay, so let me just recap what you said. You said you approached her after you weren't getting paid. You approached her about your money and she suggested to you that you meet with Minister



Gibson. And you told her that you heard, the word on the street is they call him...

JONATHON ASH: Dirty Thirty

ASP THOMPSON: Dirty Thirty and he is the type person who wants to be paid for something. He wants money if you want get something done.

JONATHONASH: Yeah

ASP THOMPSON: And you said that you weren't into that.

JONATHON ASH: Yeah.

ASP THOMPSON: So y'all had the meeting. She arranged the meeting. On the day of the meeting, you got there a few minutes before her.

JONATHON ASH: Yeah, if I could recall.

ASP THOMPSON: You waited in the waiting area or did you went in and started the meeting with Mr. Gibson?

JONATHON ASH: No, I wouldn't go to Mr. Gibson. I don't know the man. How I could to a man if I don't know?

ASP THOMPSON: I'm just clearing it up. So you waited in the waiting area until she arrived and then she took you into the meeting with Mr. Gibson.

JONATHON ASH: Yes

ASP THOMPSON: Once in the meeting, you explained to Mr. Gibson the work you did and how much was owed.

JONATHON ASH: Uh huh

ASP THOMPSON: And during the conversation she mentioned to you or asked you the question, "Did you say you give Rahman money?"

JONATHON ASH: Yes

ASP THOMPSON: In the presence of Mr. Gibson

JONATHON ASH: Yes.

ASP THOMPSON: And you confirmed to both of them that you give him something

JONATHON ASH: Yes

ASP THOMPSON: And he just laughed, meaning Mr. Gibson, he just laughed.

JONATHON ASH: Yeah

ASP THOMPSON: And he went in his office

JONATHON ASH: Yeah

ASP THOMPSON: And after he went in his office, you said that Ms. Gibson, Ms. Bastian said to you, "You know what that mean, you gat to pay him 250,000

JONATHON ASH: Uh huh

ASP THOMPSON: Meaning 250,000 for what? In order to get your money?

JONATHON ASH: Yeah, and as I get my, and as I start paying, the checks is start coming.

ASP THOMPSON: Okay. And you left there and that very day you give her something to give to Mr. Gibson

JONATHON ASH: Yes

ASP THOMPSON: And you made subsequent payments to her