

24

IN THE PRIVY COUNCIL

No.19 of 1972

ON APPEAL FROM  
THE COURT OF APPEAL OF THE BAHAMA ISLANDS  
ON ITS CRIMINAL SIDE

B E T W E E N :

PHILIP FARQUHARSON

Appellant

- and -

THE QUEEN

Respondent

R E C O R D   O F   P R O C E E D I N G S

UNIVERSITY OF LONDON  
INSTITUTE OF ADVANCED  
LEGAL STUDIES  
10 MAY 1973  
25 RUSSELL SQUARE  
LONDON W.C.1

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IN THE PRIVY COUNCILNo.19 of 1972ON APPEAL FROM THE COURT OF APPEAL OFTHE BAHAMA ISLANDSON ITS CRIMINAL SIDEB E T W E E N :PHILIP FARQUHARSON Appellant

- and -

THE QUEEN RespondentRECORD OF PROCEEDINGSINDEX OF REFERENCE

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Solicitor General's address to Jury

Accused Pinder's address to Jury

Accused Farquharson's address to Jury

Accused Darling refused to address  
the Jury

Notice of Appeal against conviction and  
sentence - Pinder and Darling

Notice to Authorities of result of appeal

IN THE PRIVY COUNCIL

No.19 of 1972

ON APPEAL FROM THE COURT OF APPEAL OF  
THE BAHAMA ISLANDS

ON ITS CRIMINAL SIDE

B E T W E E N :

PHILIP FARQUHARSON Appellant

- and -

THE QUEEN Respondent

RECORD OF PROCEEDINGS

10

NO. 1

In the  
Supreme Court

CHARGE

BAHAMA ISLANDS

No.1

IN THE SUPREME COURT

Charge

CRIMINAL SIDE

THE QUEEN versus PHILIP FARQUHARSON  
ALEXANDER PINDER and  
BERNARD DARLING

To wit:

20

Philip Farquharson, Alexander Pinder and Bernard  
Darling are charged with the following offences:

FIRST COUNT

Murder, contrary to section 337 of the Penal  
Code (Ch.48).

PARTICULARS OF OFFENCE

Philip Farquharson, Alexander Pinder and Bernard  
Darling, on the 21st day of April, 1971, at New  
Providence, being concerned together, murdered  
Anthony Alexiou.

In the  
Supreme Court

SECOND COUNT

STATEMENT OF OFFENCE

No. 1

Attempted Murder, contrary to section 338 of  
the Penal Code (Ch.48).

Charge

PARTICULARS OF OFFENCE

(continued)

Philip Farquharson, Alexander Pinder and Bernard  
Darling, on the 21st day of April, 1971, at New  
Providence, being concerned together attempted to  
murder Ypapanti Alexiou.

THIRD COUNT

10

STATEMENT OF OFFENCE

Armed Robbery, contrary to section 383(2) of the  
Penal Code (Ch.48).

PARTICULARS OF OFFENCE

Philip Farquharson, Alexander Pinder and Bernard  
Darling, on the 21st day of April, 1971 at New  
Providence, being concerned together and being armed  
with offensive instruments, to wit: a .22 revolver  
and a cutlass, robbed Sandra Alexiou of \$65.00 in  
Bahamian, United States and Canadian currencies, a  
straw basket containing one 14oz. bottle of Bacardi  
rum, one photo album, three necklaces and a wallet,  
together valued at \$85.00, the property of the said  
Sandra Alexiou.

20

FOURTH COUNT

STATEMENT OF OFFENCE

Burglary, contrary to section 406 of the Penal  
Code (Ch.48).

PARTICULARS OF OFFENCE

Philip Farquharson, Alexander Pinder and Bernard  
Darling, on the 21st day of April, 1971, at New  
Providence, in the night, did break and enter the  
dwelling-house of Anthony Alexiou with intent to  
steal therein.

30

Solicitor-General

NO. 2  
PROCEEDINGS

In the  
Supreme Court

No. 2  
6th October  
1971

No.6 of 1971

Hilton Solicitor General for the Crown

Proceedings

First Accused - Plea

Second Accused - Plea

10 Third Accused - Plea: I have no charge. The Court only requires, only seeks - a conviction. I have no charges to reply to: I get no assistance: no help from anybody. I have my right.

First and Second Accused: I cannot plead to the offence unless I call the Governor about finger prints. Second accused says unless he has a reply he cannot plead.

Hilton: Section 152 of the Criminal Procedure Code.

Second charge - First accused: No reply. I have already spoken.

20 Second accused: I have made myself explicit - my case has been tried on the broadcast - I cannot plead. I have asked for writing and finger print experts.

Third accused: I cannot insult the judge: I want finger print evidence to be taken to refute what the others said. I am only being hindered. I want to prove everything. I can bring cases from 1943 - "Black" man's life is of no value - only a "white" man's.

Third charge - First accused: I have already spoken.

30 Second accused: I cannot plead. The case has had a mass of publicity. The broadcast has said I should be eliminated. I wrote to the Governor and A.D. Hanna to get assistance. I get no reply and no assistance.

Third accused: I have nothing to say.

Fourth Charge - First accused: I have nothing to answer.

Second accused: I am poor - I need a lawyer with LL.B. No lawyer wants to take the case. Political reasons.

In the  
Supreme Court

Third Accused - No reply.

No.2  
6th October  
1971  
Proceedings  
(continued)

In accordance with Section 152 of the Criminal Procedure Code I order the Registrar to enter a plea of Not Guilty on behalf of each accused - on each charge.

First Accused: I do not want a business lawyer - I want a Criminal lawyer - not a land lawyer. The radio has said I should be eliminated. I do not want a local lawyer to play with my life.

Second Accused: My family is seeing to a lawyer from Jamaica. My attorney came into Court - drunk every day. 10

Third Accused: I have no charges to answer and I do not want any lawyer unless he is a qualified criminal lawyer.

Court: I assign Counsel to each accused - subject to third accused being able to get his own Counsel.

Hilton Solicitor General: The trial is tentatively fixed for 25th October, 1971. I ask that the accused be remanded in custody. 20

Second Accused: No publicity - for my elimination. If this goes on, the jury will come in with a verdict of guilty.

Third Accused: I want a tape recorder - cannot get one - a finger expert I cannot get one.

H.C. Smith, J.

6th October, 1971.

22nd October  
1971

No.5 of 1971

Notice of Motion

Attorney General with him Hilton Solicitor General. Kendal Isaacs Q.C. -- the counsel assigned to the third accused (Darling). 30

Attorney General: I ask for an adjournment of this motion. The Crown has just been served. Consideration must be given. A date can be fixed.

Court: Notice of motion adjourned for date to be fixed.

In the  
Supreme Court

H.C. Smith, J.

22nd October, 1971

—————  
No.2

22nd October  
1971

Note: The notice of motion was not proceeded with by counsel assigned.

Proceedings  
(continued)

No.12 of 1971

3rd November, 1971

3rd November  
1971

Present - three accused persons, Farquharson, Pinder and Darling.

10 Hilton: Accused persons have been brought to Court for a date to be fixed for trial.

Mrs. Cozzie: I have been appointed to represent the first accused.

Second Accused: I do not wish Counsel - I wish to carry on myself.

Third Accused: I do not wish to be represented by any Counsel - I have no case to answer and I can do the job myself. 5 O.A. Isaacs withdraws.

20 Hilton: The Crown is prepared to go on as soon as possible. I propose that this case be set for trial on Wednesday 10th November, 1971.

Mrs. Cozzie: I cannot see that the defence of Farquharson can be ready by 10th November. I would probably want to consult a handwriting and finger print expert. It would be necessary to consult persons in the U.S.A.

Court: I can adjourn the trial to Monday 15th November.

Second Accused: I want a tape recorder.

Court: It is not practicable and the note will be made by me.

30 Third Accused: Owing to the circumstances, we need a tape recorder.

Adjourned to 15th November, 1971.

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In the  
Supreme Court

NO. 3

SOLICITOR GENERAL'S OPENING

No.3

No.12 of 1971

15th November, 1971

Solicitor  
General's  
Opening

Farquharson, Pinder and Darling.

Hilton for Crown.

15th November  
1971

Darling: Each one of the witnesses will identify according to where we are put. At this time I ask that the witnesses will leave the Court. On 20th April, 1971 it was said here by a witness that I and accused proceeded together - none of police say they saw me and the other accused together - I was not seen in the area - no finger prints.

10

Court: Let the trial go on. The accused will sit in the order as charged. Accused persons refuse and Court adjourns for order to be enforced. Court resumes after order is enforced.

First accused: Farquharson: I refuse to go on with any trial. There is no justice. I do not have Counsel. I wish not to be represented by Mrs. Cozzi.

20

Mrs. Cozzi: I ask leave to withdraw.

Court: Leave granted. Mrs. Cozzi withdraws.

Second accused Pinder: I refuse to go on with my trial.

Jurymen then called and the right of challenge is exercised by each accused and by the Crown. Jury empanelled and sworn. Accused persons given in charge of jury.

Mr. Felix Knowles chosen as foreman.

Hilton, Solicitor General for Crown opens.

30

It is impossible for him to speak owing to interruptions and outbursts from the accused persons. At this stage the behaviour of the accused persons - each of them is such that after warnings the continuance of proceedings in their presence is impossible and the Court orders the accused persons to be taken out of Court. In the

absence of the accused persons - Hilton addresses the jury.

In the  
Supreme Court

The facts outlined. Relevant provisions - duty of judge to direct on matters of law. Murder - Section 336 of the Penal Code. Definition. Section 12 (3) of the Penal Code. Further charge of attempted murder. Robbery other offences. Abetment and conspiracy. Section 6 of evidence act - Ch.42.

-----  
No.3

Solicitor  
General's  
Opening

15th November  
1971

10 Facts - night of 20th/21st April, 1971 -  
accused persons removed a number of cars. One car  
taken in Market Street driven to Dick's Point - met  
by another car. These cars were used to transport  
accused persons to the deceased. Accused persons went  
to house of deceased climbed upstairs - one entered  
opened a door and let the others in. Evidence in  
this case should establish the guilt of all accused  
persons.

(continued)

20 First Accused: His finger prints were found on the  
pane of the bathroom window. Prints also on the car.  
Identified by a witness. There is the evidence of  
police officers. Written statements made. The Crown  
will not go into details in case there is an objection.

Second Accused: Direct evidence - he fired the gun  
which hit her husband. Picked out at an identification  
parade.

Third Accused: Evidence is not as strong against him.  
Identification evidence. No evidence taken.

Adjourned to 16th November, 1971.

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In the  
Supreme Court

NO. 4

EVIDENCE OF DETECTIVE CORPORAL  
LINDBERGH WALKINE

No.4

16th November, 1971

Prosecution  
Evidence

Accused persons now told they can now sit where they wish.

Det.Cpl.  
Lindbergh  
Walkine

Mr. Hilton: I call Detective Corporal Lindbergh Walkine. Sworn. Examined by Mr. Hilton. Detective Corporal, Criminal Records Office, C.I.D. Nassau. No.572.

Examination

10

16th November  
1971

On 21st April 1971 on instructions, I went to Eastern Road. I went to the house of Mr. Alexiou. I took 11 photographs. I took photographs of the interior of the house of Mr. Alexiou. I also labelled a finger impression No.68471A, that was on a northern bathroom window. I also photographed the same.

I then went to the mortuary of the Princess Margaret Hospital where I took two additional photographs of the deceased Mr. Alexiou.

20

On 26th April, 1971 I took three additional photographs, showing the interior of the house of Mr. Alexiou. There were photos taken of the exterior of Mr. Alexiou's house. I took these on the 21st April, 1971. I then went to West Terrace, Centreville on the 26th April, 1971, where I took a photograph of West Terrace. I also went to Fort Fincastle, near West Terrace where I took another photograph.

From there I went to Police Headquarters, East Street where I took a photograph of a red Triumph Herald car. I later developed all the negatives and made enlargements from them.

30

I then compiled albums and a legend was placed in front of each cover, describing the photographs.

From F.P.68471A I made a contact print. A contact print is made from the negative of F.P. 68471A and that is a finger print impression of F.F.68471A. I later passed the negative and contact print to Chief Inspector Chase.

40

I have with me the negatives of the photographs that I took, and I have the enlargements of the negatives. I produce the negatives Ex.F.P. and D(1). I produce the enlargements - Ex.F.P. and D(2). Photo 1 shows the house of Mr. Alexiou. Photo 2 shows lower and upper floors. Photo 3 shows marks on railing (lower floor). Photo 4 shows bathroom window from verandah. Photo 5 shows interior view looking towards bathroom window. Photo 6 shows north western bedroom. Photo 7 shows passage way to north western bedroom.

In the  
Supreme Court

\_\_\_\_\_  
No.4

Prosecution  
Evidence

Det.Cpl.  
Lindbergh  
Walkine

Examination

16th November  
1971

(continued)

I did not examine the smudges on the door of that photograph. Photo 8 shows stairway leading to lower floor. Photo 9 shows passage way looking east. Photo 10 shows door leading to upper verandah. It is an interior view. Photo 11 shows jagged edge on door frame. Photo 12 shows arrows indicating marks on upper door frame of bathroom. Photos 13 shows arrows indicating marks on upper door frame in passage way. Photo 14 shows marks on upper portion of door on top of stairway. Photo 15 shows red Triumph Herald car. Photo 16 shows area view looking west on West Terrace. Photo 17 shows area view looking east to West Terrace. Photo 18 shows close up photo of wound on chest of the deceased Mr. Alexiou. Photo 19 shows close up of the face of the deceased Alexiou.

Cross Examined - Farquharson

Cross-  
examination

I am attached to C.I.D. I am a Corporal. I went to the scene of an alleged murder on 21st April, 1971 to Eastern Road. I went, at about 7.00 a.m. I cannot remember how many police officers I met there. I met Sergeant Gibson - Assistant Commissioner Crawley the others I do not remember their names. I did not say I examined the northern bathroom window. I photographed a finger print impression. It was on the northern bathroom window. I did not examine it to label. I took a label and put it at the side of the finger print. I labelled a finger impression and not finger prints. I did not examine the finger impression. Crawley said he pointed out prints to me - but I cannot say if it was "tennis".

Cross Examined - Pinder

My name is Lindbergh. I am a Corporal. I went to the scene of an alleged murder. Mr. Chase told me to photo one impression finger. This was found on the

In the  
Supreme Court

No.4

Prosecution  
Evidence

Det.Cpl.  
Lindbergh  
Walkine

northern bathroom window. At the scene, I cannot remember how many police officers were there. I am not assuming now. I do not remember how many police officers were there. I remember telling Farquharson that I saw Gibson and Crawley. I mean Mr. Chase met me on the scene. I labelled the finger print impression, by putting a label on the side of the impression. I am a finger print officer so I can tell a finger print impression. I did not examine it I can tell without examining it, whether a finger print impression is a finger print impression or not.

10

Cross-  
examination

Cross Examined - Darling

16th November  
1971

(continued)

I was instructed to take photo No.16 in the album and that was my reason for taking it. Ex Inspector Hercules instructed me.. He did not tell me the reason why he wanted me to take this photograph. I observed a finger print impression on the northern bathroom window. Mr. Chase instructed me to take a photo of this particular finger print impression. Mr. Crawley instructed me to take a photograph of prints on the wall - but I cannot say if they were tennis shoe marks. But I did take a photo of the marks. No.3 photograph shows the photo I took of these marks. I only took one photo of these particular prints.

20

No.5

NO. 5

Dr. Andrew  
George  
Esfakis

EVIDENCE OF DR. ANDREW GEORGE ESFAKIS

Dr. Andrew George Esfakis - sworn.

Examination

Examined - Mr. Hilton

30

I hold a Bachelor of Science Degree and a Medical Doctor's degree both from McGill University, Montreal.

I remember 21st April, 1971. I remember going to the house of Anthony Alexiou that morning. I was summoned there by his son. I looked into the ambulance which was then on the scene. In the ambulance I saw Mr. and Mrs. Alexiou on stretchers. I entered the ambulance. I examined Mr. Alexiou and satisfied myself that he was dead. I turned my

40

my attention to Mrs. Alexiou and examined her. Emotionally Mrs. Alexiou was very upset and stunned. Physically her condition was satisfactory in spite of the fact that she was bleeding from a wound in her right breast. She had a bruise or bruises on the left arm. The wound in the right breast was a bullet wound of a small calibre bullet. The wound itself was a nice small circular wound and X-rays of the chest showed the presence of a bullet in the chest wall. The present location of the bullet is one that does not in my opinion constitute any serious or grave threat to the well being or life of Mrs. Alexiou.

In the area of the bullet there are certainly vital organs (a) blood vessels, which could have been broken with serious haemorrhage: the lung itself, of course, and just below the level of the present location of the bullet the liver.

Obviously, the cause of the injury on Mrs. Alexiou's arm - either she was struck by something or she struck her arm against something or other. Later I examined Kathrine Klonaris - on 21st April, 1971. She was physically in good shape - pregnant and otherwise emotionally very upset. I cannot recall anything specific about this examination at the present time. I made notes but they are not with me. Shown a copy of my notes - I identify them. There was a superficial skin wound about 3" long on the left upper arm and a bruise on the right shin and one on the left thigh. Again these injuries might have been caused by her being hit or she bumping or falling into something against a hard object.

Cross Examined - Farquharson. None.

Cross Examined - Pinder. None.

Cross Examined - Darling.

I examined each one of the complainants - Mr. and Mrs. Alexiou and Katherine Klonaris. This was on April 21st, 1971. I can remember my evidence in the former trial. I was not asked in the former trial whether I examined Katherine Klonaris or not. I do not recall being asked this in the former trial.

I know the hospital pathologist Dr. Read. I am aware that she did give evidence in the former trial.

In the  
Supreme Court

Prosecution  
Evidence

No.5

Dr. Andrew  
George  
Esfakis

Examination

16th November  
1971

(continued)

Cross-  
examination

In the  
Supreme Court

Prosecution  
Evidence

No.5

Dr. Andrew  
George  
Esfarkis

I did not listen to Dr. Read's testimony and I cannot say whether there were no injuries on Katherine Klonaris or not. I do not recall saying anything about Katherine Klonaris in the former trial. I made my note on 21st April.

My signature is on that document. I wrote the report in my own handwriting. All of the writing on this report is not my handwriting. Report put in Ex. F.P. and D.3. I encircle that portion which is in my hand. I agree the document is headed Royal Bahamas Police Force.

10

Cross-  
examination

16th November  
1971

(continued)

I attend my patients when necessary at Princess Margaret Hospital. I am not employed there. I have my office files for my reports. This particular form is not one of my report forms. I was asked to write a report by a police officer or Constable on that day. He gave me this form for me to write my report. I would categorically say yes or no - whether I have another medical report in my office. I cannot answer - whether I wrote this report before any other I may have in my office. I do not remember if I wrote out my reports at the same time. I do not remember the date I wrote my office report assuming that I have one. I cannot say how the date "24th June" came on to this form.

20

I cannot recall who the police officer was or his number, who gave me this particular form. I could not say whether that was the first time I saw this police officer. I do not know him personally I could not now identify this particular policeman.

30

It is not my responsibility that the form shows a date of 24th June. I am not sure if I have a duplicate of this particular report.

I examined Katherine Klonaris in the private surgical ward. A nurse was present when I examined her.

I am familiar with some of the nurses at the Princess Margaret Hospital. I do not now remember which nurse it was. It would not have been the first time I saw this particular nurse. It would not be possible for me to describe which particular nurse. I may know her name - but I do not remember who it was now. I do not remember. Only present were myself, the lady and the nurse as I recall.

40

I am familiar with Mrs. Katherine Klonaris. I do not know how she got to the hospital. I presume she came direct to me - but I do not know. I hold a Bachelor of Science degree. I attend my patients well.

ANDREW G. ESFAKIS recalled at request of third accused and reminded of oath.

ross examined - Darling.

10 I went to Mr. Alexiou's house on 21st April. I went there approximately 5.30 a.m. - just before dawn. I went there alone. I know Dr. Poad. He was there when I arrived. I did not give evidence at Preliminary Enquiry. I was not asked to give evidence.

20 The only report I made for the police department is the one in evidence - relating to Mrs. Klonaris. I was not asked for a report about Mr. and Mrs. Alexiou. I do not know that Mrs. Alexiou said Dr. Poad examined Mr. Alexiou and pronounced him dead. (Note that is contained in the deposition).

There were several police officers at Mr. Alexiou's house when I got there. I do not know any of their names. I might recognise police officers but I could not identify them now, whether I saw them at Mr. Alexiou's house on 21st April. I am not sure if I left Mr. Alexiou's house alone or not. Dr. Poad left shortly after I arrived. I did not say the ambulance was leaving as I left. I examined Mr. and Mrs. Alexiou in the ambulance.

30 Darling: I object to this witness - he was not at the Preliminary Inquiry and he gave different evidence in the former trial.

After leaving Alexiou's house, I remember where I went. I went home. I made out no reports at that time. I began work at approximately 5.30 a.m. that morning. I did not say to police that I would like to make a statement as to my findings.

In the  
Supreme Court

Prosecution  
Evidence

No.5

Dr. Andrew  
George  
Esfarkis

Cross-  
examination

16th November  
1971

(continued)

In the  
Supreme Court

NO. 6

EVIDENCE OF DR. ROBERT RAMSINGH

Prosecution  
Evidence

Dr. Robert Ramsingh - sworn.

No.6

Examined - Mr. Hilton.

Dr. Robert  
Ramsingh

Darling: I object. This witness was not at the Preliminary Inquiry. I agree he gave evidence at the former trial.

Examination

Court: This objection is overruled.

16th November  
1971

I am a medical officer Princess Margaret Hospital, Nassau. I am M.B. B.S.

10

On 21st April, 1971 I saw a body, which was identified to me as the body of one Alexiou. I did not know the man before. I saw Alexiou at the Casualty Department, I examined the body - the man was dead. I did not form any opinion as to the cause of the death.

Cross-  
examination

Cross Examined - Farquharson. None.

Cross Examined - Pinder. None.

Cross Examined - Darling.

I am M.B., B.S. Bachelor of Medicine and Surgery. I remember giving evidence in former trial. I remember saying now what I said in the former trial.

20

I was not at the Preliminary Inquiry. I made a report of my examination. I made report on 21st April, 1971. The time would be between 6 a.m. and 9 a.m. I work at Princess Margaret Hospital - permanently.

A police officer gave me the form on which to make my report. I cannot remember the police. He was dressed in ordinary police uniform - but not a helmet.

30

I did not notice his number. It would not be possible for me to recognise him again. He was alone at the time. I was in Out Patients Department when I got the form. I have no idea what caused the hole in Mr. Alexiou's chest. I saw the hole, when I examined the body. Police officer told me the case was a

medical legal case. When I wrote the report possibly there was a nurse or a patient around. The Court house is partially full. I have no personal office. I work in Government office. At the time I was working in that office.

Farquharson: I object to the newspapers reports.

Court: I will read the papers.

In the  
Supreme Court

Prosecution  
Evidence

No.6

Dr. Robert  
Ramsingh

Cross-  
examination

16th November  
1971

(continued)

NO. 7

EVIDENCE OF DR. JOAN MARGARET READ

No.7

Dr. Joan  
Margaret  
Read

10 Dr. Joan Margaret Read - sworn.

Examined Mr. Hilton.

Examination

I am the Pathologist, Princess Margaret Hospital, Nassau. I am Bachelor of Medicine and Surgery, the University of London.

16th November  
1971

On 21st April, 1971 I performed an autopsy on a body - identified to me as that of Anthony Alexiou and his age was given to me as 62 years. This information was given to me by his son Emmanuel Alexiou.

20 Photo 19 of Ex. F.P. and D.2 is a photograph of the man upon whom I performed the autopsy. I began the examination at 11.15 a.m. and I estimated that death had occurred four to eight hours previously. There was a bullet entry wound over the lower end of the breast bone and the bullet had passed through this piece of the breast bone and it had passed through the heart - through the oesophagus, which is called the gullet and through the aorta, which is the largest artery in the body and through the edge of the left lung. It had become  
30 lodged, the bullet, on the left side of the spine inside the chest.



In the  
Supreme Court

Prosecution  
Evidence

No.7

Dr. Joan  
Margaret  
Read

Examination

16th November  
1971

(continued)

Cross-  
examination

Blood from the heart had escaped into the space around the heart and had caused heart failure by pressing on the heart and preventing it from beating.

Some blood had entered the wound in the oesophagus and had passed into the stomach, and some of blood from the chest had gone into the abdomen through the diaphragm.

There was no significant natural disease and in my opinion death was due to a bullet wound of the chest. 10

Cross Examined - Farquharson. None.

Cross Examined - Pinder. None.

Cross Examined - Darling.

I remember giving evidence in the former trial. I did not give evidence at the Preliminary Inquiry. But I submitted a report to the police. I did not mention abrasion or bruises in the former trial - I mentioned only a bullet entry wound. There was no mark other than this bullet wound on the deceased when I examined him. I did not examine Mrs. Katherine Klonaris. I did not examine Mrs. Alexiou. 20

Court: I found a bullet beside the spine and chest. I removed it from the body, placed it in a container and after labelling it, I handed it over to Chief Inspector Hercules. I identify the bullet.

No further cross examination.

No.8

Ypapanti  
Alexiou

Examination

NO.8

EVIDENCE OF YPAPANTI ALEXIOU

Ypapanti Alexiou - sworn.

Examined Mr. Hilton.

I live on the Eastern Road. Shown the album of photographs Ex. F.P. and D.2 - the first photograph is a photograph of my house in Eastern Road. 30

On 20th April, 1971 in the evening I was in my house. My husband - children and grandchildren were with me in the house. I remember going to bed at 11.00 p.m. My children were out when I went to bed - my grandchildren and husband were in the house. When I went to bed, my children were not home. I remember after going to bed, waking up. I remember my husband jumping out of bed - and that wakened me up. My husband opened the bedroom door. I was behind him. I heard my husband then say "what are you doing here"? I saw a man with a cutlass. I had not seen that man before. I see that man in Court today. It was Bernard Darling that I saw. I asked myself the man - "what are you doing here"? The man replied - "give me your money". Then the man, the same man, tried to hit my husband on the head. My husband was trying to catch the hand of the man, holding the machete. I was also trying to hold his hand.

In the  
Supreme Court

Prosecution  
Evidence

No.8

Ypapanti  
Alexiou

Examination

16th November  
1971

(continued)

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I then saw my daughter opening the door of her bedroom and come out. My daughter's name is Katherine Klonaris. My daughter tried to hold the man's arm. My daughter was begging the man - "do not kill my father".

30

My little grandson also had wakened up and came out. The three of us were able to hold the man's arm. The man was still strong enough to hit - I saw my daughter hit in the arm. I saw the blood and he cut me with the machete on the left arm. When my grandson came to me I picked him up and gave him to my daughter Katherine Klonaris. I told my daughter to take her child into her room. As I gave her the child, I turned, and I saw two men standing at my son's bedroom door. One of these men wore a white shirt and had a gun in his hand. The other man had hold of my straw basket.

40

I had not seen these two men before. I now see the two men in Court. Pinder was having the gun the man (in the middle) Farquharson was having the basket. At this time my husband and daughter were struggling with man who had the cutlass. I stood looking at these two other men. Then I made a step towards my husband. Then I heard a gun fired and I felt a burning on my right breast. I felt blood. I was falling down - when I caught the door to hold myself up.

In the  
Supreme Court

Prosecution  
Evidence

No.8

Ypapanti  
Alexiou

Examination

16th November  
1971

(continued)

After this, I saw the man with the basket (Farquharson) ran out and then the man with the gun - he went out the door of the porch. He stood there holding the handle of this door to keep it open. The man with the machete threw my daughter down and my husband, and my husband fell on me. My husband's falling threw me down too - into a sitting position. Then the man went out of the door - with the machete - that is Darling. The man holding the gun by the porch door - as soon as the man with the machete had gone out - fired again and hit my husband.

10

After my husband, my son and my daughter-in-law came from their room. At that time the three men had gone. My husband was dead. My son was going after the men, when I stopped him. I told my son to call a doctor and the police. After I was hit - I never lost consciousness.

I told the police what happened on the first day. I later saw at the hospital on Friday or Saturday - I was brought a couple of sheets of different people like an album. I picked out from those pictures the men I saw in the house that night.

20

After the pictures, police told me they were going to bring three groups of men and I was to pick out the ones I saw in my house that night. I did see the groups. Out of the first group I picked out the man who had carried the machete - that is, Darling.

30

In the second group I picked out the man with the gun - that is Pinder. In the third group I was too upset and I did not pick anyone up out of the third group.

Cross-examined - Farquharson - no questions.

Cross-examined - Pinder - no questions.

Cross Examined - Darling.

Cross-  
Examination

Yes, I was shown some pictures by police officers. I don't know the names of the police officers. I did say in the former trial that two police officers came into my room and showed me pictures of men - but do not know their names. I am not sure which Friday or Saturday - that I attended an identification parade. After showing me these pictures, police told me they were going to hold an identification parade. I was shown pictures

40

of Farquharson. I was shown pictures of Pinder. I was shown picture of you as well. I attended the Preliminary Inquiry. I gave evidence at the Preliminary Inquiry. Yes - at the identification parade I was not able to identify Farquharson. I am sure Farquharson was in my home on the night in question. I could not identify him then in the parade - but I identify Farquharson now in Court. Police only asked me when they showed me the pictures to see if any of the men were in the house that night. I do not know the purpose of them having shown me the pictures, of the identification parade I am not a police officer.

10

The police told me to pick out if I could the people who came to my house. Because Farquharson was in the third group - I got too excited after having seen you and Pinder. I am sure Farquharson - was the man with the basket. I do not remember any of the policemen who showed me the pictures.

20

If I am shown the police, I might be able to identify who showed me the pictures. I do not know the names of the police, there were more than one, who conducted the identification parade. I might be able to recognise them if I saw them again.

I had three nurses in hospital - one was called Mrs. Ferguson - I do not know the name of the others. I do not know if it was Mrs. Ferguson who attended to me on the identification parade day.

30

Shown J.T. Crawley - yes that is one of the police officers at the identification parade. Crawley was in my room at some time on the identification parade day. Crawley was not one of the men who showed me pictures - I am sure.

40

At this stage Darling says I submit to the Court - I want to produce two officers - I have no further case to answer. I am the accused. The witness has said she was shown photographs by the police officers and I was present when the witness was shown the photographs and she was only shown two photographs - not a number.  
Archibold - 37th edition 1009.

Hilton: There is no evidence by this witness that she was only shown pictures of these three. The evidence of the police officers concerned must be heard first

In the Supreme Court

Prosecution Evidence

No.8

Ypapanti Alexiou

Cross-examination

16th November 1971

(continued)

In the  
Supreme Court

before determining how soon after the photographs  
was the identification parade held.

Adjourned.

Prosecution  
Evidence

Cross Examination continued by Darling.

No.8

Ypapanti  
Alexiou

I was shown photographs of you and of Pinder  
and Farquharson. I was shown pictures once. (At  
this stage Inspector Hercules identified by  
witness).

Cross-  
examination

16th November  
1971

(continued)

Two police officers came into my room and  
showed photographs I do not know their names. I  
identify Mr. Hercules as one of the police  
officers. I was shown photographs once. They were  
shown to me by Ex. Inspector Hercules. At the  
identification parade I did not pick out any one  
other than the three accused persons - Farquharson -  
Pinder and Darling. I am very sure of that. I do  
not know the other policeman's name who showed me  
the pictures.

10

I live on the Eastern Road. I told the  
police at the hospital that three men broke into my  
house. One of these persons had a cutlass. I did  
not know these three men who broke into my house  
before.

20

I did not know any of their names at that  
time. I did not tell the police to go and look for  
Bernard Darling. As I got out of my room I saw a  
man with a machete - standing in front of my  
husband.

I saw my husband and daughter struggling with  
this person. This was in the hallway. This man was  
not disguised. Two big lights were on, in the hall.  
Correct, I saw the faces of all three men clearly.  
I did not identify Farquharson because I was upset.  
I saw two men standing in my son's door way while  
my husband was struggling with the third man. In  
my deposition I did say then I looked in my son's  
room and I saw two men there. One of these men in  
my son's room had a gun. In my deposition I did  
say "the gun was pointed at me". At this time my  
husband and daughter were struggling with the man  
who had the machete. The man who had the basket was  
three or four feet away from me. That is shorter  
distance from the witness stand to the raised

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40

platform in front of the Court. I looked at the man with the basket.

In the  
Supreme Court

I was taken to hospital on April 21st 1971. I have no idea whether my husband saw these three men - I know that. My daughter could see the men in my son's room. My daughter was struggling along with my husband, when I was shot. My daughter was outside by her door at the time. I did not say in the former trial that I heard two shots coming from my son's room.

Prosecution  
Evidence

No.8

Ypapanti  
Alexiou

10

I did not ask the police to show me pictures. The man with the gun was the same distance away from me as the man with the basket. Neither one or other of these two men said anything to me. I did not see the man with the machete in my son's room at all. These other two men were not disguised.

Cross-  
examination

16th November  
1971

(continued)

I gave a description of what these men was wearing to the police. I gave the police this description on a Wednesday, at the hospital. I gave this to Inspector Hercules. Yes he was writing down on paper. I did not give the description of what the men were wearing to the magistrate at the Preliminary Inquiry because I only said what I was asked. Nobody asked me about giving the description in the former trial. I told the police that men were between 20-25. I did not describe their features to the police. I did not give a description of these men to the police. No one asked me and I said I did not say anything about the description of these men - yesterday.

20

30

The man with the basket had a dark shirt on. I told the police what kind of clothing the man with the basket was wearing. He had a dark shirt - I did not look at his pants. The man was struggling with my husband and daughter wore a striped shirt - the shirt was a dark colour. I do not know the exact colour. I do not know the colour of the pants the man with the machete was wearing. I can only say the man with the gun was wearing a white shirt - I cannot say anything about his pants.

40

I have not seen either Farquharson or Pinder before in my life. I have not seen you before in my life. I did not tell the police to go and look for either Pinder and Farquharson. I became upset after identifying two persons. I was not upset when I

In the  
Supreme Court

gave my evidence in the Preliminary Inquiry.

Prosecution  
Evidence

No.8

Ypapanti  
Alexiou

In my deposition I did say that Farquharson was one of the three men. I now see him. I was shown a photograph of Farquharson. I was upset before the identification parade. I am upset now. The man with the basket ran first - then the man with the gun and he held the handle of the door and then the next one threw my daughter down and he ran out. As soon as the man with the machete was out of the door the man with the gun fired it.

10

Cross-  
examination

16th November  
1971

(continued)

The struggle with the man with the machete was less than half an hour. I do not know whether my daughter had a good look at the man with the machete. When I went to the identification parade - I was in a wheel chair. A nurse pushed me in the chair. I cannot remember the name of this nurse. I did not even know her name. She looked after me for two days. I might or might not be able to recognise this nurse if I saw her again. I do not know if she is a witness in this case. I do not remember if the nurse was present when I was shown these photographs. No other people than the two police were in my room when I was shown the photographs.

20

I did not identify the three men in my room. I do not know any of the Guardian reporters. I do not know any of the Tribune reporters. I did not tell anyone that I identified three men by my bedside.

Cross Examined - Pinder.

30

I made a statement to police. It is true. My husband and I were watching T.V. I saw a man holding a machete. I said at the Preliminary Inquiry that Darling was hitting my husband with the machete on his head and body. Yes, that was what he was doing. I was hit on my ear and hands. Farquharson and Pinder were standing together as they appear in the dock. I can see the colour of your pants - red in the dock. If you come closer to me I could see your pants. I said I heard the report of a gun. The gun was twice fired. You were holding the gun straight at me. After I was shot I was holding up against the door. What I said in the Preliminary Inquiry was true. Yes - Farquharson ran out to the door. The man with the machete was still struggling

40

with my husband. The man with the gun ran after the first man. The man with the gun - you had stockings on your hands. I heard two shots in all.

In the  
Supreme Court

Dr. Poad came. I was conscious. I remember being present at time of identification parade. I was told to identify six persons who came to my house. It is not correct that they said - if you see anyone resembling these men you must pick them out. The lights were on in the hall. You and Farquharson were standing at the door. I was standing in the hallway. I was struggling in the hallway with Darling. Yes, the lights were on in the hallway. I saw you and Farquharson standing in the doorway. My daughter was alone struggling with Darling. I cannot say for my daughter.

Prosecution  
Evidence

No.8

Ypapanti  
Alexiou

Cross-  
examination

16th November  
1971

Cross Examined - Farquharson.

(continued)

Yes I saw a man struggling with my husband. Yes - we struggled with this man. We struggled for about ten minutes - but I do not know exactly. The lights were in the hall at this time. I looked in my son's room and I saw two men in that room. When I saw the two men, I was in the hallway. My daughter and husband were in the hallway.

The person who had the gun had it pointed at me. This person was three or four feet away from me in the passage way. The lights were on when I saw the two men. I cannot answer for my husband and you can ask my daughter if she could see. This incident took place on 21st April. I do not know when I went to hospital on 21st April. I was shown photographs once. I asked no one to show me pictures. I was not shown three photographs only - I was shown an album of photographs, of several people.

Yes, two men came to hospital and showed me pictures. They told me why they were showing me those pictures. Inspector Hercules and another gentleman with him showed me these pictures. They did not tell me the names of those pictures which they showed me. I was shown these pictures on a Thursday. I identified two persons at the hospital.

Re-examined by Mr. Hilton

Re-examination

I was shown photographs before the identification parade - it was not the day it happened but I could not.



In the  
Supreme Court

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I was shown quite a few people's photographs in the album - quite a few leafs - more than one photograph on each leaf.

Prosecution  
Evidence

Q. What excited you? - when you were watching the people on the third group?

No.8

A. Because I saw the man who fired the gun, in the earlier group. Everything was in a blur. I picked out only two at the identification parade - Pinder and Darling.

Ypapanti  
Alexiou

Re-  
examination

The man with the gun had stockings in his hand. The men I saw in my son's room by the door way: they were in the door way - at the door. The gun was pointed to me before I felt the shot. The identification parade was Friday or Saturday.

10

16th November  
1971

(continued)

Jury: No questions.

Re-called

Ypapanti Alexiou - recalled and resworn.

Cross-  
examination

I was present at the locus in quo .. when the jury inspected my house - on the 2nd December, 1971. I pointed out to the jury in the presence of the accused my bedroom, I pointed out my son's bedroom and the bathroom in my son's bedroom. I pointed out my daughter's bedroom. I pointed the hall where the struggle took place and the shooting took place which killed my husband. I did not point out anything else.

20

Cross Examined - Farquharson.

The hall way, where my husband shot, I struggled with a man. I saw two men in my son's bedroom door. I saw you with a basket.

Cross Examined - Pinder.

30

I was in the hall way when the struggle took place - I pointed out the hall way to the jury. I was shot.

Cross Examined - Darling.

I cannot ask any questions because locus in quo not conducted properly and I was not allowed to inspect the premises properly because of crowd.

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NO. 9

EVIDENCE OF SANDRA GAIL ALEXIOU

In the  
Supreme Court

Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

16th November  
1971

At this stage Darling objects - that this witness did not give evidence at the Preliminary Inquiry - her evidence was not taken at the Magistrates Court.

10 This is a capital offence. Proper procedure - any offence - for the witness to give evidence before the accused. The deposition was not taken in presence of the accused persons. It must be taken by a magistrate. I object to this witness.

Hilton: This is a case - not called in the Preliminary Inquiry. Notice must be served in a reasonable time before trial of the proposed evidence. Section 163 of the Criminal Procedure Code.

Notice was given before the trial in July.

Darling: No deposition.

20 Hilton: The magistrate is obliged to have recorded the evidence of witnesses before him. If after the magistrate has received sufficient evidence, he is obliged to convict. If there is some evidence relevant in the matter, the Crown is empowered under the law to serve evidence - within a reasonable time.

The witness gave evidence at the former trial.

30 Court: Section 163 provides for the calling of a witness, who has not given evidence at the Preliminary Inquiry. The notice must set out the proposed evidence, that is all. The witness can give evidence.

Darling: Most of the publication is against me.

Pinder: The witnesses in Court every day at the Preliminary Inquiry.

Sandra Gail Alexiou - sworn.

Examination

Examined - Mr. Hilton.

I live on the Eastern Road in Nassau. On the

In the  
Supreme Court

Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

Examination

16th November  
1971

(continued)

morning of the 21st April, 1971 I was in bed until 4.20 p.m. I remember that I went to bed just before 3.00 a.m. My baby woke up so I got up to feed him. I went into the bathroom and heated his bottle. I fed him and I went back to bed. Shortly after, I woke up again. I am not sure what woke me - I saw a man standing in the doorway of my bedroom. My door was open and the lights in the corridor and bathroom were on. When I went to bed, I had locked my door on the inside. My door could not be opened from the outside without a key. I automatically spoke - I said who is there? and the man ducked behind the door.

10

Note: The witness in her notice of evidence said that the man ducked into a crouch and crawled by the bed.

(At this stage Darling says that every ruling is made in favour of the prosecution).

The man started to crawl into the bedroom - I turned to wake my husband - Emmanuel Alexiou. I woke him. Then I turned again to face the room and the corner of the room - I saw a man standing right beside the bed with a gun in his hand, the gun was pointed at my head. Someone said "put your head under the covers and do not move or I will shoot".

20

I put my head under the covers - I heard my baby screaming. After I put my head under the cover I heard my baby screaming and I looked out of the cover and I saw another man in the room and I said - Please do not hurt my baby. The one man was standing beside me and the other was further down the room.

30

Somebody told me to shut up or be quiet. Then someone said, "where is the money?" I told them that there was money in the drawer right beside the bed. I heard the sounds of people moving and the drawer being opened and then there were sounds as though they were moving away.

I had my head under the covers - I was just listening and staying under the covers and then I heard some noises and my husband tried to get out of the bed. I sat up to prevent him from getting out of the bed.

40

I looked up and there was a struggle going on in

the door way to my bedroom. I saw struggling - a man with a machete and I could not see who he was struggling with outside the door way. The struggling was going on about the third or fourth chair from me in the jury box.

In the  
Supreme Court

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Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

10 The man with the machete I had seen in my room before. I was able to see the man's face in profile. I could see the face of the man outside the door with the machete. Where he was, it was quite light. I see that man in Court today - he is Darling.

Examination

16th November  
1971

(continued)

I was physically trying to hold my husband on the bed. I was still holding him down when I heard a gun shot and then another gun shot. I do not know exactly what I did afterwards at that second. I jumped up off the bed together with my husband. We went into the corridor. I saw my father-in-law half lying against the table and my mother-in-law lying on the floor underneath him. After seeing this - I saw my sister-in-law Katherine Klonaris.

20 I heard a car drive away at one point - a small car - but I am not sure at which point it went. I went directly to my bathroom window, which connects with the bedroom, and the window itself was wide open. It had had screws in to prevent it being opened wide. The screws were into the window frame - to prevent the window being opened. It had only been opened as far as it could go when I went to bed. The window had a screen - and the screen was gone. It was possible for anyone to get through the window when I saw it.  
30 I checked my father-in-law and my mother-in-law.

As the morning progressed or next morning I found that the money bag was gone and it had contained some Canadian and American money - I think it was about \$50 or \$60. A blue pill box was in the money bag. The money bag had been in the drawer beside my bed.

40 Shown Ex. A.M. 4 and 5 - (exhibited in the Magistrate's Court) the album I see is mine. The album was in a straw bag - as I was going on a trip next day. In the straw bag there had been some bead necklaces - and a full unopened 40 oz. bottle of Bacardi Rum. I identify these bead necklaces they look like mine.

At the police station on the 24th April - I believe - I was there for an identification parade -

In the  
Supreme Court

I witnessed three identification parades - at the first identification parade I was told the purpose of my being there to see if any man in the parade looked like the men that had been in our house.

Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

At this identification parade I picked out the accused Darling. I saw three groups of men in the second group I picked out a man but I was mistaken about him. In the third group - I did not pick out any one. After the 21st - I did see some of my property again - it was shown to me at Gleneagles Hotel. I was shown my straw bag - the beads - and the little blue pill box and a bunch of stockings but that did not belong to me.

10

Examination

16th November  
1971

Adjourned to 18th November, 1971

(continued)

Cross-Examined - Pinder.

Cross-  
examination  
18th November  
1971

It is not correct that I said I was awakened by a noise - I am not sure by what woke me. Yes, it is correct, I saw a man standing in the door way. No I did not say exactly - when I saw this person duck into a crouch and crawl by my bedside. I said that he ducked behind the door. Correct I said that the man stood by the bed and pointed a gun at me. Yes I pulled the cover over my head, when the man told me. I saw a second person in the room - I did not say I saw a second person behind the man with the gun. Correct, I said I heard two shots. Not correct that I said I saw the two men leave the room.

20

I am sure the light was on when I was told to put my head under the covers. I was on my bed when the shots were fired. My husband was on the bed as well, when the shots were fired. I was never shown any pictures by the police. Yes I saw the face of the man who had the gun and who was standing at my bedside. Yes, I gave the police a statement. This was on the morning of the 21st of April. I gave my statement to Inspector Hercules. I was in my house at Eastern Road, when I gave my statement. Yes, I was informed by my husband not by the police - that there was going to be an identification parade. Yes I identified someone on this parade. I identified one person at this parade. I did not give evidence at the Preliminary Inquiry.

30

40

I was called but the Preliminary was finished before I was called on to the x stand. Yes I appeared

at the beginning of the Preliminary Inquiry. I was not there every day.

In the Supreme Court

Cross Examined - Farquharson. None.

Prosecution Evidence

Cross Examined - Darling.

No.9

I was informed about an identification parade by my husband.

Sandra Gail Alexiou

10 I was at the hospital PrincessMargaret Hospital. The day of the parade was 24th April. I cannot say how many persons were present when my husband informed me of the identification parade. My mother-in-law was not present. Nor was my sister-in-law. I do not know who informed my husband that there was going to be an identification parade. I do not know at what time my husband was informed of this.

Cross-examination

18th November 1971

(continued)

20 I did come to the identification parade. On the 24th I was taken upstairs in the police station. I do know now Inspector Hercules. I was taken into a private office upstairs in the police station. Inspector Hercules was there. I do not know the police officer who conducted the identification parade. I do not know his name. I think I could recognise him if I saw him again. I am not sure. I am Mrs. Sandra Gail Alexiou. The police officer said I picked out two persons.

In his evidence at the Preliminary Inquiry the police said - "I am not sure".

30 Yes, you were the first person I pointed out. I do not see any difference in what I am saying. I said when I first came into the room that I was not sure. I was upset.

I picked out the second man literally in panic. I thought I would have just to point out the persons and not touch him. The A.S.P. told me I had to touch the person and not just point him out. The second person I identified, I am not sure if he was in my room.

40 I picked out the second man because I was frightened and I did not know I was picking out anyone in particular. I was in a state of shock four days after my father was murdered. I do not know the name of the second person whom I identified.

In the  
Supreme Court

Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

I was not at the Preliminary Inquiry. I was not sick at the time. I was in the Bahamas during the period that the Preliminary Inquiry was being held. They told me when to come and when I came they told me they had enough evidence. I was not in Court on a number of occasions when the Preliminary Inquiry was going on.

I appeared in Court the first day of the Preliminary Inquiry.

My husband was present at that time. He did not give evidence at the Preliminary. My husband and I were told to appear and when we did they said it was finished. My husband was not in the Bahamas all the time the Preliminary Inquiry was being held. I cannot remember the exact date. when my husband and I were told the Preliminary Inquiry had closed. It was the end of June, I think - I am not sure. My husband informed me that the Preliminary Inquiry had been closed. I do not know who informed my husband.

10

I did recognise Pinder. I saw him at the identification parade. I told police after the identification parade. I did not know his name before - I know it because I have been in the trial before. I know your name because I have been in this trial before. I do not know you personally. I attended three different identification parades. When this incident took place, I saw two intruders in my home.

20

Yes, I told the police this when I gave my statement. I only identified one person at the identification parade. I did identify one other person - that makes two. I see one person I identified at the parade and that is you - Darling. The other person I identified is not here.

30

I did not identify Pinder at the Identification Parade. I did tell the police afterwards that I could identify Pinder. I did not identify Pinder at the parade because he was standing with his head down. I had previously only seen him with his head up.

40

I do not recall police telling Pinder to stand with his head up. I did not ask him to hold his head up. I was at the parade to attempt to identify any one who had come to my house. To identify any one I would have to scrutinize him with my eyes.

I told police I could identify Pinder after the parade was over. At the parade - I did not identify Pinder. At the parade I was upset. When I came into the room I was not sure.

In the  
Supreme Court

Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

At the first identification parade you made a gesture to me and I was frightened.

10

Yes, I was at home when Inspector Hercules came there. He came on the 21st April. That was the time he took the statement from me. When Hercules came to the house, my sister-in-law was not there. She came later in the day - but I am not sure if Hercules was there. I am not sure if Hercules was there when my sister-in-law came in. My husband was not at home when Hercules arrived. My husband came later - but I do not know if Hercules was then present.

20

I know now who Inspector Hercules is. I was never shown any photograph by Inspector Hercules. I was in the waiting room of Princess Margaret Hospital by the front entrance, when my husband told me there was going to be a parade. I cannot remember the time - but a couple of hours before the identification parade.

30

If you say I saw photographs I would have to call you a liar. I had a good look at the gunman's face and a brief look at the other man's face. I remember giving evidence in the former trial. When the gun was pointed - I looked squarely at the man - I saw your profile. The man with the gun was right beside me. The man with the gun had a white shirt on. His trousers were dark. I did not see the colours. I do not know. I could not see your hand at the time. I did not see the colour of your clothing. I did not notice anything peculiar about you. You were several feet away from me - between the bed and the door - not so far as from me to the dock. I could not see your feet.

40

I said someone told me to put my head under the covers - I do not know which. The shots came from very close - in the house. I did not see who fired these shots. I do not know where the shots came from - nor who fired them.

I am reasonably sure the beads belong to me. I missed these articles the next day - on the 21st April.



In the Supreme Court

I presume they were taken by the man who came into my home. I did not see by whom.

Prosecution Evidence

I was shown my belongings two or three days later. Police officers showed me these things - two. I do not know their names. I was shown them in a hotel room. I was just asked if they were mine - I said "yes" except for the stockings.

No.9

Sandra Gail Alexiou

Darling: I ask that I may recall this witness - and ask further questions.

Cross-examination

Court: The application can be made but cross examination must be completed now - if necessary she can be recalled.

10

18th November 1971

Re-examined by Mr. Hilton.

(continued)

Re-examination

While I was in Court at the first day of the Preliminary Inquiry I heard no witnesses - and after I left I do not think I entered the Court room again. I never heard anyone giving evidence in the Magistrate's Court.

There was more light in the hall, where I saw a man holding a machete. I was better able to see the man with the machete when I was standing in the hall way.

20

I said I was not sure when I saw the men on parade - when I first entered the parade room.

Jury: None.

Re-called

Sandra Gail Alexiou re-sworn. Recalled at the request of Darling.

Cross-examination

Cross-examined Darling.

I was at the identification parade and I at that time had picked out two men. No you were not the man who had or pointed a gun at me. The other man was not the man with the gun. The police did not question that man and he was not the man with the gun anyway. I was very upset when I picked out this man and I made a mistake. I have no idea where this man is now. I don't know who said "pull your cover over your head". I did not say that I saw anyone go out of the room. It is said in my note of additional evidence that "I saw them go out of the room". The

30

man with the gun was much closer to me than the other man. You were not the man with the gun. You were the next person behind this man. I peeped through the covers and I saw you. I couldn't see the person's hands. You had the machete. I said I was not sure at the time. I made a mistake. I was mistaken in the man I pointed out. I was confused when I said what I said about the police. I was afraid when I picked out the other man. I went out to identify. I did not see the second man in my house.

In the  
Supreme Court

Prosecution  
Evidence

No.9

Sandra Gail  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

I made a statement to police - I did not say I saw two men leaving the room.

Re-  
examination

NO.10

No.10

EVIDENCE OF EMMANUEL ALEXIOU

Emmanuel Mike  
Alexiou

Emmanuel Alexiou - sworn.

Pinder: I object. This witness was in Court every day when the Preliminary Inquiry went on. He gave a statement and not a deposition.

20 Darling: As I pointed out yesterday, this witness did not give evidence at the Preliminary Inquiry. He was present in Court while the Preliminary Inquiry was going on. If the prosecution had intended to call this witness, the proper procedure says that in the taking of any deposition it must be taken in the presence of the accused, if there is any, only a Magistrate can take deposition. It was not taken in my presence.

30 Hilton: I explain that the accused persons are referring to depositions. Where evidence is given at a Preliminary Inquiry a magistrate must sign. But this is not a deposition. That is the difference. The law

In the  
Supreme Court

Prosecution  
Evidence

No.10

Emmanuel Mike  
Alexiou

18th November  
1971

(continued)

provides that evidence or notice to an accused person to be given by a witness - notice of that evidence is allowed by Section 163 of the Criminal Procedure Code. If that is done, that takes the place of a deposition. Unfortunate that these witnesses were not called at the Preliminary Inquiry - but not the fault of the Prosecution.

See Section 124 of the Criminal Procedure Code. Witnesses called by the Prosecution at the Preliminary Inquiry sufficiently established a case. That is other evidence available. Notice of the intended evidence was given before the last trial - in the July Sessions. I submit the evidence is admissible.

10

Darling: Prosecution is based on wrong idea of the law.

Court: I gave a ruling yesterday - on the same point - and I allow that the evidence be given under Section 163 of the Criminal Procedure Code.

Examination

Examined by Mr. Hilton.

20

I live at Eastern Road, Nassau. I was home on 21st April of this year. I came home about 2.30 a.m.

I sat in the kitchen and had a snack before retiring. I checked the house before retiring - made sure that all the windows and doors were closed. Then I went upstairs. I saw my father's room was open and the light was on and so I just looked in and he was reading. I pulled his door to. I then went into our bedroom - my wife's and mine. I locked the door of our room. We got ready for bed and went to sleep. I remember my wife wakening me up. After I was awakened, I looked up and saw our bedroom door was open and there was a light in the hall. I looked again and there were two men standing by our bed. I saw one man standing at the head of the bed and one at the lower end of the bed. I saw that one of the men had a gun and there was a stocking over his hand. We were told to put our heads under the covers.

30

The man by the head of the bed carried the gun. The man with the gun was only about two feet away from me. The man with the gun had it pointed at us. The man with the gun said "do not move or we will

40

shoot". We put our heads under the cover. I heard someone say "where is the money". I said "we do not have any". My wife said it was in the drawer. I heard rattling in the drawer and opening. I could not see because I was under the covers.

In the  
Supreme Court

Prosecution  
Evidence

No.10

10 Our baby was screaming - my wife said "please do not hurt the baby". Someone told her to shut up. Then there was a lot of scuffling - we heard a shot and then soon after that I heard a second shot. I was trying to get out of bed but my wife kept pushing me down. The scuffling seemed to be like the noise of people leaving our room.

Emmanuel Mike  
Alexiou

Examination

Pinder: No deposition. No power to cross examination. 18th November 1971

Court: I have already ruled.

(continued)

20 I heard a shot go off and soon after I heard another shot. The first shot sounded very close and the other sounded a little further away. I then jumped out of bed and ran into the hallway. When I got into the hallway I saw my father lying on the ground and his head was resting on a table and I saw my mother also on the ground kneeling over my father. She was holding her breast and bleeding. I then ran downstairs thinking whoever was in the house might have gone down.

30 I just went about half way down stairs - my mother and sister were screaming - "get the doctor they have already left". I ran downstairs to the telephone. I called the ambulance. I tried to call Dr. Esfakis - but I did not get answer. Then I called Dr. Poad. I recalled Dr. Esfakis again and had an answer. I told him to come up.

I then went back upstairs to see how my parents were. They were still on the ground. My father was immobile.

40 Later on in the day - but not at that moment - I came back home from the hospital. I went upstairs. I saw that the bathroom window in our bedroom was pushed right up and the screen on it was removed. Other windows were screwed to go up half way and not to go fully up. I saw the window was fully up when I got back from hospital and the screws were not there any longer. I later saw the screws outside on the porch, outside our bathroom window.

In the  
Supreme Court

Shown two screws - they resemble the screws put into  
the window by my dad. I produce the two screws.  
Ex. F.P. and D.4.

Prosecution  
Evidence

A person could quite easily get in through the  
opened window - any person.

No.10

We always left the bathroom light on.

Emmanuel Mike  
Alexiou

To get from the bathroom to the place where I  
heard the scuffling, anyone would have to go through  
the bedroom. Of the two men in the bedroom - one  
was at the head of the bed and the other nearer the  
foot of the bed. The one at the foot of the bed  
would have been about 5' from the bathroom. There  
was sufficient light in our room to see by. Where  
he was there was light for me to see by.

Examination

10

18th November  
1971

(continued)

Yes, I did see the person at the foot of the  
bed. I see him today. He is the man on the right  
of the box - that is Darling. I saw the man before  
we had to get under the covers. I tried to get up  
several times and trying to get out of bed. I did  
not see the men leave. I saw one of the men again  
at the Central Police Station.

20

We were told to come to the Central Police  
Station for an identification parade. I was told on  
a Friday, to come down on the Saturday.

At the Police Station I witnessed three  
identification parades. I was told to see if we  
could identify anyone we had seen in our house on  
the 21st April.

At the first identification parade, I identified  
someone. I identified the third accused (Darling).

30

At the second parade, I identified someone.  
That person I identified is not now in Court - so  
far as I know.

At the third identification parade, I did not  
identify anyone.

Cross-  
examination

Cross Examined - Farquharson. No questions.

Cross Examined - Pinder.

I remember being present at identification

period. C.I.D. I was asked to identify a person or persons if I had seen them on the night of 21st April. I did not pick you out as one of these persons. On this parade that you were on - I did not pick out three persons.

Yes I gave a statement to the police. I think - I am not sure that I gave statement to Inspector Hercules and another policeman. I made this statement at Central Police Station. And this is the only statement I have made to the police. I gave my statement to the police on Saturday. That was the 24th of April. I was shown photographs on one occasion. This was in the lobby of the Princess Margaret Hospital. Inspector Hercules and one other policeman showed me these photographs.

I did not ask the police to show me pictures. On parade I identified one man - that is the parade you were on. I identified one man on the second parade. I do not see this man I identified in Court.

Cross Examined - Darling.

I made a statement to Police on Saturday, 24th April. My name is Emmanuel "Mike" Alexiou. Yes, I made my statement on morning of the 24th April. I believed I made the statement before noon. I was shown photos in Princess Margaret Hospital by Hercules and another officer. No one else was present when I was shown these photographs.

My mother had been shot in the chest and so I was in the hospital. My wife was not in the hospital along with me.

I was informed about the identification parade - and I told my wife.

I used the word "we" as a manner of speaking. I was informed by police that they were going to hold an identification parade - I believe it was in hospital. I was probably in hospital when I was informed. I was informed on Friday that the parade was going to be on Saturday. Hercules informed me. I do not remember anyone else being there at the time. (Statement has no date on it). I do not know where my wife made a statement. Yes - I believe she did make a statement to police. Yes, I am sure she did.

In the  
Supreme Court

Prosecution  
Evidence

No.10

Emmanuel Mike  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

In the  
Supreme Court

\_\_\_\_\_  
Prosecution  
Evidence

No.10

Emmanuel Mike  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

On Saturday, I was taken upstairs into an office. I do not remember Inspector Hercules being there. My wife was present at the identification. She was taken into the same office. I know Inspector Hercules. It would not surprise me if my wife said Hercules was in the room.

I was only shown photographs on one occasion. I have a sister Katherine Klonaris.

We were not shown photographs at home on 21st April, 1971. I never said I was shown photographs on 21st April. I know Assistant Commissioner Fields. I cannot remember if he conducted identification parade at C.I.D. Office. When I see Fields or Mr. Crawley I can recognise them.

Fields and Crawley were at the identification parade upstairs. I think they look alike - resemble each other - that is. It is correct that I looked at the parade and asked the men on the parade to say the following words "stay under your cover".

I wanted them to say that because they were similar words to those used by the intruders. I wanted to see if I could recognise a voice - that I had heard in the room. I was asked if I could pick out any one by features.

I was asked to ask the men anything - to turn around or say anything. Deposition evidence of Superintendent Fields put in evidence and marked Ex. F.P. and D.5.

I saw two men in my room. I made a statement to police. There are many things I have not said to the police. I did not mention it to police - I just gave them what I could remember at that time.

It must have slipped my mind when I made my statement to police. I had to go away on business and had been called to give evidence, but it was finished when I got back. I presume the Preliminary Inquiry began in May - I believe I left Nassau in the beginning of the month. When I left the Preliminary Inquiry was in progress. I made my statement to police before Preliminary Inquiry began. I was at the Preliminary Inquiry for the first two or three days. Yes, my relatives some of them were

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present when I was there.

My wife was there. And my sister. We were told to get out of the Preliminary Inquiry - as witnesses were told to go out of Court. Police told us they wanted me to give evidence - I was a later witness. It was over when I got back. I was not asked in the first trial - I can remember seeing you in the bedroom - that I do. I never told the police to go and arrest you. I never told the police that "Bernard Darling" was in my room.

10

I do not know where the other person is - whom I identified. I identified this other man by his features. I did identify you by features - and not by voice. I knew when I picked you you had been in my room. I have not seen you before. The man I identified was in my room for a couple of minutes.

You are not the man who had the gun. I remember giving evidence in the former trial. I do not remember saying in ..... that I identified two other men besides you.

20

I remember being shown photographs - there was a picture of you among these - I did not see the other two accused persons - Farquharson or Pinder among the photographs. I did not say I saw photographs on the 24th.

The photos were not shown to me on the same day as I made the statement - but on the 21st. I was not shown photographs at home - I do not know where my wife was shown photos. I think my sister was shown photographs. We were not shown photographs together. I was shown a dozen or more photos in a book.

30

My wife came to hospital occasionally. She was not in hospital when I was shown the photographs.

I made the request "stay under your covers" at all parades. Every person on the parade said the words separately. I believe I stayed in one place. I saw "Darling" on parade - I identified Darling by features not by voice.

Jury: None.

40

Emmanuel Mike Alexiou recalled and resworn.

In the  
Supreme Court

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Prosecution  
Evidence

No.10

Emmanuel Mike  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

Re-  
examination

Cross-  
examination



In the  
Supreme Court

Prosecution  
Evidence

No.10

Emmanuel Mike  
Alexiou

Cross-  
examination

18th November  
1971

(continued)

Re-  
examination

I gave a statement to police. That police officer was Mr. Hercules. I gave him the statement on the 24th April at C.I.D. office. In that statement I told Hercules that I had seen one man in my bedroom, by the bedside with a gun. Yes, in my statement I said I saw one man with a gun at my table at the head of my bed.

Yes, I said in evidence you were not the man I saw with the gun. I picked you out at the first parade and a man I do not know at the second parade. This man looked similar I thought him to be the man I had seen at the head of the bed. I was very rushed when I made my statement to the police. I was not rushed at the identification parade. I was given all leisure to examine the parade. The second man I saw looked like the man I saw in my room.

I was told by Inspector that the P.I. had been discontinued. That is what he said. I just saw you standing at the foot of the bed.

In my statement to police I made reference to two men in my room.

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No.11

NO. 11

Charles  
Satchwell

EVIDENCE OF CHARLES SATCHWELL

Charles Satchwell - sworn.

Examination

Examined by Mr. Hilton

I live at Park Manor apartments on Market Street. I was living there on 21st April, 1971. I own a motor car. It is an Austin 1100 - the number of the car is N.P.J.745. I parked my car on 21st April, 1971 at 12.30 a.m. The car was parked in a car park outside Park Manor apartments.

30

After parking the car I went to bed. When I awoke the same morning, I did not see the car. I reported the fact to the Traffic Police at Charlotte Street. This would be about 7.15 a.m. At 9 a.m. that morning I received a telephone call from a resident at Blair Estate. After receiving this call - I went to Blair Estate and there I saw

my car. After finding my car I telephoned Traffic Police.

In the Supreme Court

I then turned to Traffic Police at Charlotte Street. A policeman from the station returned with me to the place where my car was found. My car was still there. A policeman opened the car and extracted various items which did not belong to me from it. I did see the items which were abstracted. There were some loose and some packaged stockings. There was a Birth card and a Valentine's card - I think, and an insurance certificate. These items did not belong to me.

Prosecution Evidence

No.11

Charles Satchwell

Examination

18th November 1971

(continued)

When I parked the car at 12.30 a.m. these articles were not in the car. Shown items C.C.1 in Magistrate's Court - these articles are similar to the ones found in my car. I produce these items Ex. F.B. and D.6. No one had the keys except myself on 21st April. When I found my car, it was extensively damaged.

Cross Examined - Darling.

Cross-examination

20 I see three accused persons in the dock. I did not lend you my car. Nor did I see you move my car. I did not see Pinder move my car - nor did I lend him my car. I did not lend Farquharson my car - nor did I see him move my car.

Cross-Examined - Farquharson. None.

Cross Examined - Pinder. I heard the Court say the name Farquharson.

Cross Examined - Darling. By leave: I reported the theft of my car to police at 7.15 a.m. on 21st April.

30 Adjourned.

Pinder: I read Section 163 of Criminal Procedure Code. No opportunity of cross examining any of the witnesses. I had no knowledge. Witnesses have heard everything - family - seeking revenge.

Darling: Section 532 of the Penal Code.

In the  
Supreme Court

NO. 12

EVIDENCE OF PAUL LIGHTBOURNE

Prosecution  
Evidence

Paul Lightbourne - sworn.

No.12

Examined by Mr. Hilton:

Paul  
Lightbourne

I live at Dick's Point - Eastern side of the Island - just above the Montague Hotel. I am employed by Earth Movers Ltd. I am the owner. My company is the owner of a motor car. It is a red Triumph. It is my personal car - I use it all the time. I last used my car on the 20th April at about 6 p.m. or 6.30 p.m. I parked it in my yard. I did not have occasion to look for this car after parking it - that is, on the 20th April.

10

Examination

18th November  
1971

Next morning, the 21st, I had occasion to look for it. This was between 8 and 8.15 a.m. Looking for it, I did not find it. My keys were not left in the car. I did not authorise anyone to move the car. I think it was two or two and half days that I saw my car. I saw the car at the police compound.

When I parked my car on 20th April - I did not leave an album in it - nor any stockings.

20

Shown Ex. A.M. 3 and 4 (exhibits in the Magistrate's Court) - I have never seen these articles in my life.

The Triumph car number is 8988. Shown photographs 15 - Ex.F.P. and D.2 - that resembles my car 8988.

Cross-  
examination

Cross Examined - Farquharson.

I do not know you. I never loaned you my car. I did not see you in my car.

30

Cross Examined Pinder.

I did not see anyone move my car. I did not loan you my car.

Cross Examined - Darling.

I never saw anyone remove my car. Yes I made a

complaint to police at Eastern Police Station that anyone found with my car shall be prosecuted. I do not know the time my car was stolen - except between 20th and 21st April. I made my complaint I would say about 8.45 a.m. on 21st April.

In the  
Supreme Court

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Prosecution  
Evidence

No.12

Paul  
Lightbourne

Cross-  
examination

18th November  
1971

(continued)

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NO.13

EVIDENCE OF BRUCE RAINE

Bruce Raine - sworn.

No.13

Bruce  
Raine

Examination

Examined by Mr. Hilton.

10

I live on the Eastern Road. My parents are Mr. and Mrs. Godfrey Raine. My parents own a car - a Rambler American. The licence number is 7312. I do not live with my parents.

20

On 20th April 1971 my parents came to my home. They came in the Rambler car. My parents left about 1.30 the following morning. They went with a friend because the car they came in would not start. When my parents left, the car was parked just east of my gate. After my parents left, only myself and my wife remained in our house. After they left, I heard noises out in the street. I heard a car revving up and I could hear voices.

I did not investigate. I would say the time I heard the revving and voices was about 2.00 a.m. I was in bed when I heard this "revving" and voices. I got out of bed about 8 o'clock. After I got out of bed I went to look for the car. The car was not there - where it was left.

In the  
Supreme Court

Prosecution  
Evidence

No.13

Bruce  
Raine

Examination

18th November  
1971

(continued)

Cross-  
examination

I did see the car later. I saw it about 50 or 60 feet further east up the road. I examined the car - the key switch had been pushed in, and wires disconnected from it, a burned pack of matches on the floor. After examination of this car I called the C.I.D. I waited until they came. I watched them dust the car for finger prints.

Cross Examined - Farquharson.

I did not see anyone move the car. I did not see you in my car.

10

Cross Examined - Pinder.

No, I did not see you move my car.

Cross Examined - Darling.

I did not see you move any car.

Two men from C.I.D. came. I do not know their names. I had never seen them in my life. Possibly, I might recognise one if I were to see him again. I have not seen them today. I suppose it would be about 8.30 in the morning of the 21st April, when I reported to the C.I.D. the moving of the car. C.I.D. found finger prints. When they dusted it, I saw prints in the car.

20

NO.14

EVIDENCE OF P.C.868 CARLTON COLLIE

In the  
Supreme Court

Carlton Collie - sworn.

Prosecution  
Evidence

Examined by Mr. Hilton

No.14

Constable 368 attached Traffic Division (Royal Bahamas Police Force).

P.C.868  
Carlton  
Collie

10

On 21st April I received instructions about a complaint of a stolen car. As a result I visited the scene in civic Subdivision - that is on west side of Blair Estate and on the east of Village Road. I went myself and Mr. Charles Satchwell. When I got there I saw car N.P.J.745. I searched the car.

18th November  
1971

Examination

I found three pairs of ladies' stockings - one pair of sun glasses - scraps of papers. Shown Ex. F.P. and D.6. I identify these articles as the articles I found.

20

I examined the car and I noticed that the ignition wire in the interior of the car was cut. I also noticed that the right front fender and headlight were smashed in. The exhibits and the car were handed over to members of the C.I.D.

Cross Examined - Pinder. None.

Cross-  
examination

Cross Examined - Farquharson.

No, I did not see you move any car. I did not see you in any car.

Cross Examined - Darling.

30

Yes, I did examine this car. This car belongs to one Charles Satchwell. He told me that his car was stolen. No, I did not have any shoes on when I examined this car. Yes, it is possible when examining this car that I left my finger prints on this car. Mr. Satchwell did not tell me who moved this car.

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In the  
Supreme Court

NO. 15

EVIDENCE OF ASSISTANT COMMISSIONER  
OF POLICE, JOHN THOMAS CRAWLEY.

Prosecution  
Evidence

John Thomas Crawley - sworn.

No.15

Examined by Mr. Hilton.

Assistant  
Commissioner  
of Police  
John Thomas  
Crawley

I am Assistant Commissioner of Police, in charge  
of C.I.D.

Examination

On 21st April I read information about a  
happening at Eastern Road. This was at 5.20 a.m. As  
a result of the information I proceeded to the house  
of Mr. Anthony Alexiou in the Eastern Road.

10

18th November  
1971

On my arrival I found Corporal Gibson from C.I.D.  
and a number of uniformed police officers. As a  
result of information received there, I began to make  
enquiry into the murder of Mr. Alexiou.

I examined the scene. The house in question is  
a very large two storey building. On the lower  
floor of the house, there is a very large patio.  
The western end of the patio is enclosed by a wall.  
This wall is built with split wells.

20

Shown photo No.2 of Ex.F.P. and D.(2) - that is  
a photograph of the house. The wall in question  
leads up to a patio at the top floor of the house.  
The northern side of the lower patio is enclosed with  
a concrete rail. On the top of this rail, near to  
the wall, that leads up to the top patio, I saw a  
"tennis print" on the top of the rail.

On the top patio, just under the bathroom  
window, I saw a wire screen. I examined the bathroom  
window and I saw a number of finger marks on it.  
Shown photo 3 - of Ex.F.P. and D.2 - that shows the  
rail that encloses the bottom patio and the mark on  
the top of it is the tennis print I have spoken of.  
Shown photo 4 - that shows the bathroom window in  
question. I saw the finger marks on the lower  
portion of the sash of the bathroom window. As a  
result of this, I summoned finger print experts and  
photographers to the scene. I pointed out my  
findings to them and I was present, when they dusted  
the window and when the marks on the window were  
photographed.

30

40

I was also present when the tennis mark on the bottom rail was photographed. I made my examination from the outside - I was standing on the patio. On the patio, I noticed a screw on the table - shown Ex.F.P. and D.4 - one of those screws is similar to the one I found on the table.

In the  
Supreme Court

Prosecution  
Evidence

No.15

10 Shown photo 4, that is the position of the window as I found it. Right below the window is a small table. I saw the window screen under the bathroom window leaning against the wall. I identify the screen in the photograph. I made a detailed examination of the interior of the house.

Assistant  
Commissioner  
of Police  
John Thomas  
Crawley

Examination

18th November  
1971

(continued)

20 I saw a number of marks on the door facing of the bathroom. I also saw some marks on the bathroom door and over it - between the top of the door facing and the ceiling. Shown photo 12 - the arrows on the door were put there and they are pointing the marks that I am speaking about. The marks were fresh and appeared to me to have been caused by a sharp instrument. Shown photo 12 - where the arrows appear at the top of the door - they are on the outside of the bathroom.

These were the only marks I found on the inside.

The next thing I did was to form two murder teams - one under the direction of Inspector Hercules and one under the direction of A.S.P. Bullard. Before the 24th April I held an identification parade at Princess Margaret Hospital.

30 I held the identification parade at 12.5 p.m. on Saturday 24th April. I held the parade in the passage way of the private ward of Princess Margaret Hospital. There were three parades.

With regard to the first parade seven persons took part. In the first parade the accused Darling took part.

40 After I had the men all lined up in the passage way, Darling was brought to the parade under police escort. I told Darling that I was holding the parade and that the purpose of the parade was for Mrs. Alexiou to view the parade. I also asked him if he had any objection to any of the persons taking part in the parade. I told him he could take up his



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Prosecution  
Evidence

No.15

Assistant  
Commissioner  
of Police  
John Thomas  
Crawley

Examination

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(continued)

position anywhere he wanted to stand on the parade. He told me he understood, and he took up his position on the outside of No.1. When he took up his position, he became No.1. Mrs. Alexiou was brought to the parade in a wheel chair which was pushed by Nurse Rahming. I told Mrs. Alexiou to look along the parade and if she saw any of the men who she saw in her house on the morning of the 21st she must touch him. She touched Darling third accused as one of the persons that was in her house on the morning of the 21st. She was then taken back to her room and the parade was dismissed and Darling was taken out under armed escort.

10

Immediately, after, I formed the second parade with eight men. None of the men taking part in this parade took part in the first parade.

Pinder was then escorted to the parade. I began to tell Pinder the purpose of the parade - he became belligerent and screaming at the top of his voice - saying this is nonsense - this is nonsense tell the people why I made a statement.

20

I then told Pinder after he quietened down that the parade was being held so that Mrs. Alexiou would have an opportunity of viewing the parade and if he had any objections, he need not go on to the parade. I then told him he could take up his position any where he chose. He took up his position between Nos.2 and 3.

Mrs. Alexiou was again brought to the parade in a wheel chair by Nurse Rahming. She viewed the parade and touched Pinder whom she identified as one of the persons she saw in her house on the morning of the 21st. When this was done, Pinder screamed out "Me Miss! Me Miss!" Mrs. Alexiou did not reply. She was then taken back to her room and Pinder was taken into custody and escorted away.

30

Immediately after, I held third parade. Seven men were used on the third parade. None of those persons took part in the first or second parades. The accused Farquharson was then brought to the parade. I told him the purpose of the parade. He was very co-operative and agreed to go on the parade. He took up his position on the left of No.7. Mrs. Alexiou was again brought to the parade in a wheel chair pushed by Nurse Rahming. She viewed the parade but she did not identify anyone.

40

On the 20th May I received a letter from the Superintendent of Prisons. I was in my office then in Police Headquarters. As a result of receiving this letter, I sent with a memorandum to the Attorney General.

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Examination  
(continued)

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I went to Foxhill Prison - as a result of the call I went to the Superintendent's office where I received from him the letter in question. I correct myself. After seeing the contents of the letter I forwarded it to the Attorney General's office. Shown the letter - (Ex.C.K.1) in the Magistrate's Court) I now produce this letter Ex.F.P. and D.7. I saw two letters at the prison. The two letters are marked Ex.F.P. and D.7.

Darling: I want the jury to see these letters.

Court: Yes.

Cross Examined - Pinder:

Cross-  
examination

20

I made a statement in Preliminary Inquiry. It is correct. I met other policemen. I do not know all their names. I met five police officers in all at the scene. Yes, I saw print of a tennis shoe. I am not a shoe manufacturer. Yes, a bathroom window on northern side of this house. I saw finger marks on the widow. I saw 3-4 finger marks. That is not an exact number. I cannot say the number exactly. I am not a fingerprint expert. From my training, I can identify marks.

I was present at C.I.D. office when identification parade was held. I saw what happened - I said so in my Preliminary Inquiry.

30

When you were on parade someone was identified.

You and Darling were on separate parades. I cannot remember the name of the person who was identified - on the parade you were on. I do not see the person in Court who was picked out in your parade.

40

Mrs. Sandra Alexiou picked out this person. I did not ask if Mrs. Alexiou could positively identify. I never handed any pictures before or after the parade to Mrs. Alexiou senior. I held identification parade at the hospital.

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Evidence

I began the parade at 12.05 p.m. Mrs Alexiou senior was in a private room. I said Mr. Fields come to the hospital at the time the identification parade was going on. Mr. Fields came during the parade and stayed until I was through with the last parade. Any questions you put me I answered.

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of Police  
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Crawley  
Cross-  
examination  
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1971  
(continued)

I took every precaution to see that no one entered into Mrs. Alexiou's room. Her door was closed. I told a police constable to open the door to let Mrs. Alexiou out. I believe it was Corporal Rose who opened the door. I told him. I do not remember because it was immaterial. I do not remember seeing Mr. Hercules there at the parade. When I went to the hospital for the parade - I left Mr. Hercules in Mr. Field's office in C.I.D. I do not remember seeing him at the hospital. Mr. Hercules and I had no conversation together at the hospital and I never showed any pictures of any one to any one at the hospital. I had no pictures with me.

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20

Three parades were held at C.I.D. You were not identified at parades at the C.I.D. I found a "tennis" print - on concrete rail enclosing north side of the patio. Photo 3 - that is the print of the tennis shoe. I have no idea which tennis made that print. I do not remember saying that I saw Moss take a pair of tennis from you. I know a pair of tennis was taken from you. I have a reason for the taking of the "tennis" from you - you were wearing tennis when you were arrested. I cannot say the tennis you had on made the print.

30

Cross Examined - Darling.

I am Assistant Commissioner Police. I went to Mrs. Alexiou's room 20 minutes before the parade began. I took every precaution to see that no one entered Mrs. Alexiou's room. I was fully in charge of this identification parade. Yes, I told Corporal Rose, I think, to open the door. I had a number of officers there.

I never had photograph in Princess Margaret Hospital of you nor did I show any to Mrs. Alexiou. I never had any.

40

Yes, I said you were the first suspect to be put on parade. You were suspected first a day or

two before - from around the 23rd April. I do not have that recorded. The 23rd April was a Friday. I officially in charge C.I.D. Department. It is impossible for me to give all instructions. I have people under me. Because information I got, I suspected you.

(I advise the accused - not to ask questions which might prejudice him).

Accused says I understand fully.

10 Cross Examination continued:

They all told me how many men were in the house that night. They said "three".

Mr. Fields and myself give information to the press. I did not give information to the press as shown in the newspaper of 26th April, 1971 - Nassau Guardian. They can get information from other sources. I have never seen you in the area where Alexiou lives. When I saw you at Central Police Station, you were not in possession of anything the  
20 witnesses said had been stolen.

I have never seen you in any of the stolen cars. I never met you in possession of any gun - you had no gun - nor any cutlass. I never saw you break into these people's house. No one of the witnesses, when I went to the house, told me that Bernard Darling was one of the men who entered their house.

Accused says "I want the facts".

Cross Examination continued:

30 I have evidence relevant to connect you with the scene of the crime.

Darling: I want you to tell the Court.

It was reported to me that you Farquharson and Pinder were seen coming from the bushes - the morning before - from a description.

I saw everything that took place at the C.I.D. office Central Police Station. What I told Pinder was correct. I do not know the name of the other person who was identified - I do not see him in Court.

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Cross-  
examination

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(continued)

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Supreme Court

Sandra Alexiou indicated this other man.

Prosecution  
Evidence

I do not remember anyone else identified. I remember Sandra Alexiou identifying another man. At Princess Margaret Hospital police were there for security purposes. You never asked anyone about an album. I am very favourable towards you. (Witness refers to his notes) - I have only notes relating to Princess Margaret Hospital identification parade. At C.I.D. I was there to ensure that all rules were observed.

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of Police  
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Crawley

You were identified and one other man whose name I do not know. I sent out officers to select men for the identification parade. The other man - identified - no reason for him to be there. We have no evidence against this man. We were holding you with this murder.

Cross-  
examination

18th November  
1971

(continued)

Darling: I want the witness to tell the Court why I was suspected for being one of three men. I was held from 22nd April until 27th C.I.D. for questioning.

Cross examination continued.

You were charged with murder:

1. Because of the witnesses identification.
2. Pinder was identified and I have information that you three were seen together.

Accused advised again - The Court is anxious that there should be nothing before the jury - not relevant to the present case. H.C. Smith, J.

Cross Examination continued.

I was there all the time - I distinctly remember Sandra Alexiou identifying some one.

You never asked Mr. Fields for a photograph album we keep. I was present when Katherine Klonaris was brought in to the identification parade.

I do not know if she identified someone - it is possible. Any conversation with Fields and you - I would have been interested in. There was no commotion. You were either identified or not. I was present when Farquharson took up his position. He was not identified. I was there when A. Pinder was

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brought up. I did not record the name of the person who was identified in Pinder's parade - but it was not Pinder and it was not Farquharson.

In the  
Supreme Court

I was not there when you were charged - I do not know by whom. I do not know when you were charged - on the 24th April - that is, the time. Nor do I know the time Pinder was charged - I was not there.

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10 Pinder was charged because I felt the evidence sufficient against him to charge him. You did not object to taking part in any identification parade - you were very co-operative. I did not hear Mrs. Alexiou say that identification parade was made in presence of Hercules.

Assistant  
Commissioner  
of Police  
John Thomas  
Crawley

Cross-  
examination

Yes, I was in Mrs. Alexiou's room prior to the parade and after the parade. Hercules was not in her room with me.

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1971

(continued)

Cross Examined - Farquharson.

20 As a result of information, I went 5.20 to home of Alexiou, on 21st April. I met other police officers. Corporal Gibson is the only name, I remember. About five police officers were there. I saw print of a tennis shoe - similar to other "tennis" shoes. There is a bathroom window at north side of the house. I said I saw finger marks. I said three or four marks. Am not a finger print expert. I am trained.

30 I was at C.I.D. office when identification parade was held. I am trained. I was at C.I.D. office when identification parade was held. I saw what happened at the parade. When Pinder was on parade - it is a possibility someone else was identified. That person was not either one of you. I do not know the name of the person - I could identify him.

40 Sandra Alexiou identified this other person. As far as I can remember one person other than you three has been identified. I did not speak to any witnesses at C.I.D. office. When I saw Mrs. Alexiou, I told her to look at the parade and see if she could identify anyone of the men who came to her house that night.

In the  
Supreme Court

I never showed anyone pictures in the Princess Margaret Hospital. We have pictures and prints of criminals.

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Evidence

Court: I have urged this witness not to bring out any indications of any record if he has any.

No.15

Accused: I want the answer - do I have a criminal record?

Assistant  
Commissioner  
of Police  
John Thomas  
Crawley

Witness: You have a criminal record.

Accused: I do not.

Cross-  
examination

I conducted the identification parade at the hospital. I went to the hospital at 11.40 a.m. I began the identification at 12.05 p.m. You were put in the parade approximately 12.30 p.m. or 12.35 p.m. Mrs. Alexiou senior was in her hospital room. You were suspected and put on identification parade. You became a suspect soon after you were picked up. We had reason to pick you up. Because you were suspect.

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(continued)

I had information that you were seen with others leaving a car at Centreville.

I did not see you break into these people's home. I never saw you in the area where these people live. I never saw you in possession of any gun. Nor with any cutlass.

Cross Examined - Pinder by leave.

I did not see you with any gun at any time. Nor break anyone's house. I did not see you in any stolen car. I never saw you in the area where this crime was committed. On parade at C.I.D. - it is possible three men were identified but I remember only one. The names may refresh my memory. I know Anthony Butterfield. I cannot swear if he was identified. I do not know Alston Rolle but Sandra Alexiou identified a man. I do not know Clarence Rolle. To the best of my recollection only one was identified.

Re-  
examination

Re-Examined.

Prior to identification parade I had not shown any photos - nor together had we shown any pictures

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to anyone. I was in Mrs. Alexiou's room three or four minutes - just briefly.

I am satisfied I had evidence.

In the  
Supreme Court

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Prosecution  
Evidence

No.15

Assistant  
Commissioner  
of Police  
John Thomas  
Crawley

Re-  
examination

18th November  
1971

(continued)

No.16

NO. 16

EVIDENCE OF P.C.245 ALLAN EVANS

P.C.245 Allan Evans - sworn.

P.C. 245  
Allan Evans

Examination

Examined by Mr. Hilton.

Constable No.245 attached C.I.D. Nassau (Royal Bahamas Police Force). On the 26th April, 1971 I saw Farquharson at C.I.D. He was there in connection with alleged murder of Alexiou. I took a set of his finger prints - all his fingers. I took these prints in the finger print room in C.I.D. on a form specially designed for taking of finger prints. When I took the prints - the person to whom the prints belong signed the form. Farquharson signed that form in my presence.

10

Shown finger print form (A.E.1 Magistrate's Court Exhibit - that is the form Philip Farquharson signed). I produce this form Ex. F.P. and D.7. After this form was signed by Farquharson - I handed it on the same day to Chief Inspector Chase.

20

Cross Examined - Farquharson.

Cross-  
examination

Yes, I saw you at C.I.D. on 26th April, 1971.



In the  
Supreme Court

Prosecution  
Evidence

No.16

P.C.245  
Allan Evans

Cross-  
examination

18th November  
1971  
(continued)

I took your finger prints on the form marked "B.P.50". I took your prints around 9.30 a.m. 10.00 a.m. in the morning of 26th April. There were other police officers present. Yes, you signed your name to this form. Yes, there was someone there at the time. You signed in my presence. You did sign this form. You wrote it. I am not a handwriting expert. I handed this form to Chief Inspector Chase on 26th April - at about 11 a.m. it could have been. I gave the form to Chief Inspector Chase for him to eliminate prints. I do not know if Mr. Chase is a handwriting expert.

10

Cross Examined - Pinder.

I have been working on C.I.D. staff for approximately four years. Police do not take finger prints for no purpose. I am sure I gave the prints to Chase on the 26th April.

Cross Examined - Darling.

I saw Farquharson on 26th April. I took his prints. He signed his form. He signed this form once. This one is the only finger print form that I took. It is a possibility that other finger prints forms might have been taken. I heard Farquharson say the finger prints do not belong to him and that he did not sign it. Other police officers present when this particular print was taken. None of them is witness in this case. I never mentioned their names in evidence at Preliminary Inquiry. I am not a handwriting expert - nor is Chase to my knowledge. Any man's word is as good as mine. I know the methods of proving handwriting. A handwriting expert would be the one to give an opinion on handwriting. We do not have a handwriting expert. I do not know if there is a footprint expert. We have a finger printing expert. I know that he is one. I have heard that he is an expert. You were not present when accused Farquharson signed this form. Nor was Pinder.

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I do not know if Farquharson had any finger prints taken prior to this occasion. I do not remember if I have seen any of Farquharson's prints before.

40

It is custom of police to take photos and prints, of people who have been trouble before.

Re-examined

Other prints could have been taken of Farquharson. Finger prints are taken on each time a person is accused of crime. Chase has given expert finger print evidence in Supreme Court and Magistrate's Court.

Adjourned to 22nd November, 1971

In the  
Supreme Court

Prosecution  
Evidence

No.16

P.C.245  
Allan Evans

Re-  
examination

18th November  
1971

(continued)

22nd November, 1971

NO. 17

No.17

10

EVIDENCE OF DETECTIVE CONSTABLE  
634 LEWIS FERGUSON

Detective  
Constable 634  
Lewis  
Ferguson

Lewis Ferguson Detective Constable 634 - sworn.

Examined by Mr. Hilton.

Examination

Detective Constable 634 attached Criminal Records Office, Nassau - as a finger printer and a photographer.

22nd November  
1971

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On 21st April of this year I had instruction of a stolen car. I went to the Eastern Road - east of the junction of Fox Hill Road. There I examined car 7312 for finger prints.

On the chrome portion of the front windshield glass, I found finger marks. I labelled the finger mark F.P.685 B.71. I photographed the mark also the car. Later the same day, I went to Harmony Hill near to Blair Estate. There I examined car N.P.J.745 for finger prints. On the right front door glass outside, I found a finger mark which I labelled F.P.689 A.71. I later developed all negatives and made contact prints therefrom.

In the  
Supreme Court  
\_\_\_\_\_  
Prosecution  
Evidence

On the 22nd April, 1971 I handed to Chief Inspector Chase a contact print of car 7312 and also a contact print of the finger mark I saw on the said car. On the same day, I handed to Chief Inspector Chase contact print 689 A.F.P. and a contact print of the car N.P.J.745.

No.17

I now produce negative of car 7312 and F.P.685 B of 1971 - Ex. F.P. and D.8.

Detective  
Constable 634  
Lewis  
Ferguson

I now produce negative of finger print 689 A and negative of car N.P.J.745 Ex. F.P. and D.9. I made contact prints from these negatives and I now produce one - Ex. F.P. and D.10.

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Examination  
22nd November  
1971  
(continued)

The print F.P.685/71 was photographed from car No.7312. F.P.689/71 was photographed from car No. N.P.J.745. Inspector Coleby was present with me at the time.

Cross-  
examination

Cross Examined - Pinder.

I never saw you anywhere in the area where the stolen car was found. I never saw you in any of the cars. F.P. was found on car 7312. It is possible that the owner of the car may have made this mark because I am not an expert. I cannot say if the print was yours.

20

Cross Examined - Farquharson.

On 21st April, I went to examine the cars. I have never seen you in any of these cars. I never saw you in the area of these stolen cars.

Cross Examined - Darling.

I got information about the car being stolen about 8.15 a.m. on 21st April. I was then at Criminal Records Office. Inspector Coleby gave me the information. I am not an expert in photography or in finger printing. I saw a finger print mark on car 7312. I am in no position to tell the Court which finger made the impression. From my limited knowledge I was quite sure that it was a finger print.

30

I made the contact prints about 4.00 p.m. on 21st April. I was then in the dark room Criminal Records Office, Nassau.

First after the negatives and slides have been exposed we take them to a dark room, where we develop it and after development we go on to dry and then contact. We have a developing chemical. We carry Ilford and Kodak developers.

In the  
Supreme Court

Prosecution  
Evidence

No.17

Detective  
Constable 634  
Lewis  
Ferguson

Cross-  
examination

22nd November  
1971

(continued)

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Finger print on 7312 car, I have no idea whose finger print it is. Finger print as far as I am concerned might have been made by anybody. I handed all these prints to Chief Inspector Chase on 22nd April. This was before noon on the 22nd April. Shown .F.P. and D.10 - there are a number of smudges. There are a number of finger print impressions on car 745. Looking at the photograph now, I can see four impressions. I developed the only useful one of these impressions.

NO. 18

No.18

EVIDENCE OF DETECTIVE CHIEF INSPECTOR  
McDONALD CHASE

Detective Chief  
Inspector  
McDonald  
Chase

Detective Chief Inspector McDonald Chase - sworn.

Examination

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Examined by Mr. Hilton.

Detective Chief Inspector, Royal Bahamas Police Force. I am employed as photographer and finger print expert in the Criminal Records Office of the police force.

I have over 20 years experience in the identification of persons by means of finger prints. I have been on numerous occasions accepted by the Courts as an expert. I have on numerous occasions given finger print evidence in the Courts of the Bahama Islands.

30

On 21st April, 1971, I was involved in the investigation of an alleged murder at Eastern Road. I went to the house of the Alexious. On arrival there I found - I met Assistant Commissioner of Crime, John Crawley, Corporal Walkine a photographer and other C.I.D. personnel.

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Supreme Court

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Prosecution  
Evidence

No.18

Detective Chief

Inspector  
McDonald  
Chase

Examination

22nd November  
1971  
(continued)

After conversation with Mr. Crawley, I examined and processed for finger prints a northern bathroom window, which was on the upper floor of the house. The house is a two storeyed house.

I noticed the window consisted of two glass panes, each glass pane being bordered by an aluminium metal. The panes work up and down between window jambs.

On the lower glass pane - on the lower metal cross piece I found a thumb mark. I then instructed Corporal Walkine to label it F.P. 684/71 A and photograph it. On 22nd April, 1971 I received from Detective Sergeant Moss two number plates of a car. I processed these number plates for finger marks and on one of them I labelled marks F.P.684/71 G. and 684/7 H. I identify the plates I received from Sgt. Moss - plates identified by the witness. I photographed these two marks and I made a contact print. I now produce negative and contact print labelled F.P. 684/71 G. and H. - Ex. F.P. and D.11.

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On the same date I received from Corporal Walkine negative and contact print, labelled F.P. 684/71 A. Here is a photograph of the lower cross-bar of the bathroom window. I have the negative and contact print, which I produce - Ex. F.P. and D.12.

Continuing I received from Detective Constable Ferguson, a negative and contact print, labelled F.P. 685/71 B. and a negative and contact print labelled F.P. 689/71 A. - I identify these (Ex. 8 and 9 and 10).

30

After receiving the contact prints from Walkine and Ferguson, on the 26th April, 1971 I received from Detective Constable Evans, a set of finger prints on the official finger print being the name "Philip Farquharson" I identify that form (Ex. P.D. and D.7.).

After receiving the finger print form, I then compared the thumb mark labelled F.P. 684/71 A. on contact print, with the impression on the form. I found the thumb mark to be identical with the right thumb impression on the finger print form. I also compared the mark on contact print labelled F.P. 684/71 H. with the impressions on the finger form and found it to be identical with the left thumb

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impression on the form. I compared the mark labelled F.P. 685/71 B. with the impressions on the finger print form and found it to be identical with the left ring finger impression on the finger print form.

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Evidence

No.18

I compared mark labelled F.P. 689/71 A. with the impression on the finger print form and found it to be identical to the right fore finger impression on the form.

Detective Chief  
Inspector  
McDonald  
Chase

10 I then photographed the right thumb impression on the finger print form and I produce the negative - Ex. F.P. and D.13

With the negative, labelled F.P. and 684/71 A. and negative of the right thumb impression on the form, I made photographic enlargements. These enlargements I placed side by side on a card on each of which I have marked off the ridge characteristics, which are in agreement in sequence. I produce this enlargement. Ex. F.P. and D. 14.

Examination  
22nd November  
1971  
(continued)

20 I also photographed the left thumb impression on the form and I produce the negative - Ex. F.P. and D.15. With negative labelled F.P. 684/71 H. and negative of the left thumb impression, I made photographic enlargements. These enlargements, I placed side by side on card and on each of which I have marked off the ridge characteristics, which are in agreement in sequence. I produce this enlargement - Ex. F.P. and D.16.

30 I also photographed the left ring finger impression and I produce the negative - Ex. F.P. and D.17.

With negative labelled F.P. 685/71 B. and negative of the left ring finger impression, I made photographic enlargements. These enlargements I placed side by side on a card and on each of which I have marked off the ridge characteristics, which are in agreement in sequence. I now produce the enlargement - Ex. F.P. and D.18.

40 I photographed the right fore finger impression on the form and I produce the negative - Ex. F.P. and D.19.

With negative labelled F.P. 689/71 A. and

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Inspector  
McDonald  
Chase

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1971

(continued)

negative of right fore finger impression I made photographic enlargements. These enlargements, I placed side by side on a card and on each of which I have marked off the ridge characteristics, which are in agreement in sequence, I produce the enlargement - Ex. F.P. and D.20.

I have never known finger prints taken from different fingers to agree in sequence of ridge characteristics. Judging from my experience, I have no doubt that the thumb mark labelled F.P. 684/71 A. which is the mark on the bathroom window, was made by the same right thumb which made the right thumb impression on the finger print form bearing the name Philip Farquharson. I have no doubt that the mark labelled F.P. 684/71H, the mark on the number plate was made by the same left thumb, which made the left thumb impression on finger print form bearing the name Philip Farquharson.

10

I have no doubt that mark labelled F.P.685/71 B, the mark photographed by Detective Constable Ferguson was made by the same left ring finger which made the left ring finger impression on finger print form that bears the name Philip Farquharson.

20

I have no doubt that mark labelled F.P.689/71 A also photographed by Detective Constable Ferguson was made by the same right forefinger which made the right forefinger impression on finger print form, which bears the name Philip Farquharson.

Cross-  
examination

Cross Examined - Farquharson.

I am a finger print expert. 21st April I went to house on Eastern Road owned by one Anthony Alexiou - where there was said to be an alleged robbery and murder. I examined the northern bathroom window and I saw thumb impression.

30

I did not count the number of marks I saw on the bathroom window. I told Walkine to label and photograph the mark on the bathroom window. He photographed it in my presence.

On 22nd April, 1971 I had from Sgt. Moss two car number plates.

40

Yes, I found on these plates two "impressions". On 22nd April I had from Ferguson negatives and contact prints.

The negative is a gelatine with a sensitive emulsion capable of producing a photograph. Contact print is a reproduction of the gelatine with the sensitive emulsion, which produces a photograph after development. There is no length of time to determine a finger print.

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\_\_\_\_\_  
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No.18

For me to identify a finger print, which is a mark left at the scene of a crime, I must have a set of finger prints from a person or persons.

Detective Chief  
Inspector  
McDonald  
Chase

10 When a person is charged with an offence he is finger printed and photographed. I did not take your finger prints. I got a set of prints from Constable Evans.

Cross-  
Examination

I came to a conclusion on the 26th April and through the 27th. I do not know what "old" finger prints form you are talking about.

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1971

(continued)

20 We have finger prints "Philip Farquharson". I have another finger print form for you Ex. D.1. It was taken on 23rd April, 1971 by Corporal Rose. This was taken at the time you were charged.

There is no charge on that form. There is no finger print taken for gambling offences - it is a minor matter. I have no other finger prints for you. I got Ex. D.1. on the 23rd May.

Cross Examined - Pinder.

I am a believer. Been in Bahamas over twenty years. I am a finger print expert. I found finger impressions on Alexiou house.

30 Two forms for one and the same person - I need only examine one. I never said Farquharson had a criminal record. Ex. D.1. is kept in the office. It is impossible for me to place my own finger prints on that form. I went to Alexiou house to find finger prints. Naturally, one must use hands to go inside anywhere. I never say any foot print.

Gambling offences - that would be a record. That is a criminal matter of a minor nature. I do not know how often Farquharson has been in trouble. Rose sent me the forms to file.

40 I said my conclusion on the identification finger



In the  
Supreme Court  
\_\_\_\_\_

Prosecution  
Evidence

No.18

Detective Chief  
Inspector  
McDonald  
Chase

Cross-  
examination

22nd November  
1971  
(continued)

prints was 26th April - through 27th April, 1971. The signatures on the two print forms - Ex. D.1 and Ex. F.P. and D.7 - appear to me to be the same. I do not know who wrote those signatures. Anything involving finger prints comes to me. No - we have no prior finger prints forms for Farquharson, prior to this. It is not improper to my knowledge to take any finger prints and compare them with those found. I deal with photographs and records. I have no knowledge of any conviction of Farquharson for serious crimes. 10

Evans sent me his form on 26th April. I do not know when Farquharson was charged. (Darling says "I was charged on 24th"). I used the form on the 26th April to come to my conclusions. I only used the form sent to me on the 26th to come to my conclusions. I did not use the form sent on 23rd because it would become the property of the police. That means it would be kept until after the hearing.

The form Rose sent to me was on the 23rd April - the document states the date. 20

I said there were about five impressions or marks - I cannot say for sure - on the bathroom window - superimposed. I found the finger print of Philip Farquharson. The superimposed impressions made no impression to me. They had not the ingredients.

I deny that I took Farquharson's finger prints. I was not present when Evans took the prints - nor when the others were taken - nor when either one or other of them was signed. I compared both prints - the 23rd and 26th - forms. My conclusion was on the 26th form. 30

Cross Examined - Darling.

I asked Evans to take finger print from the accused Farquharson. I did not ask for your finger prints. I did not ask for Alexander Pinder's finger prints. (Darling - I ask why - and I want the reason).

I did not ask for your prints to be taken. Your finger prints were taken. They are in the Bureau. I cannot remember if Pinder's finger prints were taken. 40

I do not know if your prints were sent to me. I do not know if Corporal Rose is giving evidence in this case. I did not ask Evans for Pinder's finger prints nor for yours.

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Detective Chief  
Inspector  
McDonald  
Chase

Cross-  
examination

22nd November  
1971

(continued)

10

Not to my knowledge did I have any photograph of Farquharson around 21st or 22nd April. I was not present at Criminal Records Office on 24th April when you, Farquharson and Pinder were brought there. It could be that Police have photographs of Farquharson in their possession.

20

I give instructions for the taking of photographs. I cannot recall anything about Farquharson's photograph being taken at the prison. I have approximately seven photographers in Nassau approximately. I have a photographer - Lightbourne - one Lightbourne. I cannot recall seeing any photograph of Farquharson prior to 21st April. I record the dates when photographs are taken. If there is any photograph of Farquharson - that was one taken about this offence. In every major offence a photograph is taken of the person involved. I could only have one photograph at the most - if it came out.

I do not know when that photograph was taken - nor by whom. No one gave me any picture of Farquharson. I am not quite sure if I have one - I would have to check.

(Darling says - I want the photograph and the date if there is one - otherwise no further questions except on that one point)

30

Accused Farquharson has not been convicted of any major offence.

Re-examined.

Re-  
examination

Normally, a photograph is taken of a person when he is charged or about to be charged. Persons are taken to Criminal Records Office when charged to have their photograph taken.

40

When a person is about to be charged or is charged, his finger prints are taken. I compared the forms of 23rd and 26th April with the other impressions.

Darling: By leave of Court - I should like the names

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and numbers of the police photographers.

Prosecution  
Evidence

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Detective Chief  
Inspector  
McDonald  
Chase

Re-  
examination

22nd November  
1971

(continued)

Re-called

Evidence of Chief Inspector McDonald Chase on the same oath - recalled at request of Bernard Darling.

Cross-  
examination

Cross Examined.

I have photograph of Farquharson. I am not responsible for pictures or photographs put in a newspaper. I do not know who is in charge of this.

This photograph was taken by Detective Constable Francis. It was taken at H.M. Prison on the 28th April, 1971. The time 4.00 p.m. And that is the only picture.

10

I have no idea when the identification parades were held - nor when you were charged. Rose gave me official F.P. form on 23rd April. That is police routine. I cannot say if I got any form of prints of you or Pinder on 23rd April.

I never took Farquharson's prints. I do not know. I only go by the forms given to me. I cannot say whether the prints are those of Farquharson.

20

Re-  
examination

Re-Examined.

I only got a form of prints - bearing the name of Farquharson.

NO. 19

EVIDENCE OF SUPERINTENDENT  
ANTHONY McDONALD FIELDS

In the  
Supreme Court

Prosecution  
Evidence

Superintendent Anthony McDonald Fields - sworn.

Examined by Mr. Hilton.

No.19

I am Superintendent of Police, in charge C.I.D.  
On 24th April of this year, I was concerned in the  
investigation of an alleged murder.

Superintendent  
Anthony  
McDonald  
Fields

10

I held three identification parades at C.I.D.  
(witness allowed to refresh his memory).

Examination

The first one began at 11.05 a.m. This parade  
consisted of seven men and the accused Darling made  
the eighth. I asked Darling if he had any objection  
to being in an identification parade and he said  
none. Darling said to me that he wanted to comb his  
hair before he went on parade, and I allowed him to  
do this. I asked him select a position on the parade  
and he chose to stand between Numbers 4 and 5 -  
namely Alexander Knowles and Derwood Bostwick Numbers  
4 and 5 respectively.

22nd November  
1971

20

The first witness was called in - Emmanuel Alexiou.  
He was brought from an office on the top floor and  
into the main C.I.D. building where the parade was.  
This office was where the witnesses who were to view  
the parade were kept.

30

I asked Emmanuel Alexiou to look at the parade  
and see if he can recognise anyone who had broken into  
his home on the morning of the 21st. Mr. Alexiou said  
to me that he wanted to hear them say, "stay under  
your cover". That was done and each person on the  
parade said - "stay under your cover". Emmanuel  
Alexious then walked up to Darling and touched him.  
The words "stay under your cover" were said  
individually by each person on the parade. Number one  
began - and then each and every one on parade repeated  
the words. As soon as the last man said these words  
Emmanuel Alexiou went up and touched Darling.

The parade was dismissed and Emmanuel Alexiou  
was sent downstairs.

40

The second witness was then called. Before this

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Prosecution  
Evidence

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Superintendent  
Anthony  
McDonald  
Fields

Examination

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1971

(continued)

witness came in, I asked Darling whether he wished to change his position and he chose to stay where he was.

The second witness was one Katherine Klonaris. She was asked to look at the parade and see if she could recognise a man who had broken into her home on the night of the 21st. She looked at the parade and said - "No - I cannot identify anyone. She was then sent downstairs.

Again I asked Darling if he wanted to change his position on the parade and he said, "no". 10

Then Mrs. Sandra Alexiou the third witness was brought in. I asked her to look at the parade and see if she could recognise any man who had broken into her home of the 21st. She looked at the parade and said "I am not sure". I told her if she saw anyone she recognises - she should touch him. She walked to Bernard Darling and touched him. At this stage she was sent down stairs. Darling said Mr. Fields - "She said she was not sure" and I said to him "you will have a chance to say whatever you want to". 20

This parade was dismissed and second parade was held. This parade also consisted of seven men. The witnesses were in a room upstairs and Alexander Pinder the second suspect was then brought in. I asked Pinder if he had any objections to anyone taking part in the parade and he said "no". He joined the parade and the first witness Emmanuel Alexiou was brought in. Mr. Alexiou was told to look at the parade. He looked at the parade and pointed to number six - who was one Anthony Butterfield. The witness was sent downstairs and a second witness was called, namely Sandra Alexiou. 30

Before she came into the office, I asked Pinder if he wanted to change his position on the parade and he said "no"! Mrs. Sandra Alexiou was asked to look at the parade. She picked out at the parade one Alston Rolle. She was sent down stairs and again I asked Alexander Pinder if he wanted to change his position on the parade and he said "no". 40

The third witness Mrs. Katherine Klonaris was brought in. She looked at the parade and she pointed to number one in the parade namely one

Clarence Rolle. This witness was sent downstairs and the parade was dismissed.

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Supreme Court

A third parade was then held comprising seven men. Philip Farquharson was brought in. He was asked if he had any objections to taking part in the parade and he said no, he had no objections. He was asked to select a position on the parade and he took up a position on the extreme right of the parade - making him number eight. Emmanuel Alexiou, the first witness was called from upstairs by telephone. He was asked to look at the parade and he said - could you have the men say "stay under your covers". This was done. Each one on the parade stated the words. He then asked that the parade turn to the right and then to the left. This was done. He said he could not identify anyone. He was then sent down stairs.

Prosecution  
Evidence

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Anthony  
McDonald  
Fields

Examination

22nd November  
1971

(continued)

Mrs. Katherine Klonaris was then brought in. Before she came in Farquharson was asked if he wanted to change his position on the parade and he said - "no." She looked at the parade and said she could not identify anyone. She was sent downstairs and Sandra Alexiou was sent for. Again as before, Farquharson was asked if he wanted to change his position on the parade and he said "no". Mrs. Sandra Alexiou looked at the parade and said that she could not identify anyone.

Cross Examined - Pinder.

Cross-  
examination

I conducted an identification parade to see whether or not witnesses could identify anyone who broke into their home and murdered Anthony Alexiou.

They did not tell me positively that they could identify any of the persons who had entered their house. They told me they would be able to.

Mrs. Klonaris did not identify you as being one of these persons. She did not identify Philip Farquharson as being one of those persons.

I told Mrs. Sandra Alexiou to look along the line and if she saw anyone she recognised to touch him.

When Darling was on parade - Mrs. Sandra Alexiou said she was not sure.

Emmanuel Alexiou, when you were on parade, did

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not ask the parade to say the words "stay under your cover". I told Emmanuel Alexiou to touch any person he saw on the parade, whom he identified as having entered the home on the night.

Prosecution  
Evidence

He did not touch you. I told Mrs. Klonaris the same thing. None of the witnesses that I had on parade touched you. Crime was said to have been committed on 21st April, 1971. I went on the scene, at about 7.10 a.m. The crime was committed on Eastern Road - the home of Anthony Alexiou on the right side of the road going east. The house was two storeyed. I do not know the number of persons who live in this house. I was present at the parade in the hospital. I got there between 12.30 p.m. and 1 p.m. I am not sure.

No.19

Superintendent  
Anthony  
McDonald  
Fields

10

Cross-  
examination

22nd November  
1971  
(continued)

There were several policemen present - but I did not count them. I know Corporal Sweeting and Corporal Gibson were among the police officers there. I was present throughout the entire parade. Mr. Crawley knocked on the door, so far as I recollect, on the room door of Mrs. Alexiou in the private ward. I am not sure of this.

20

A nurse brought Mrs. Alexiou in a wheel chair. I do not know the name of this nurse. I did not see any pictures of you being shown to anyone by Hercules or any other officer.

I know Sandra Alexiou. I did not see her in Court at the Preliminary Inquiry when I was giving evidence. I do not know if she was called to give evidence at the Preliminary Inquiry. She is a material witness in this case. I do not know, the magistrate may have decided not to call her. Prosecutor's office takes care of that.

30

I did hear who committed this offence.

I do not know why Emmanuel Alexiou did not give evidence at the Preliminary Inquiry. I think you were charged on the morning or afternoon of the 26th April - I am not sure. I think you were picked up on the 23rd - but I am not sure. I was not told you resisted coming to C.I.D.

40

Adjourned

23rd November, 1971

Anthony McDonald Fields reminded of oath.

Cross Examined - Pinder:

I did not see Mr. Hercules at Princess Margaret Hospital, Nassau. I did not see Mrs. Alexiou shown any pictures. I do not know anything about Mr. Emmanuel Alexiou being shown photographs at the hospital.

I am not sure that Crawley knocked on the door of Mrs. Alexiou's room to let her out.

10

I said Emmanuel picked out two men at the C.I.D. parade. He touched Anthony Butterfield (No.6 at your parade). I never saw you in any stolen car. Nor in the area where the crime was committed. Nor with any gun at any time - nor with a cutlass. I never saw you with any of the stolen property. I did not see you break in.

The Alexiou's - none of them - gave me a description of the clothes you were wearing.

20

Mrs. Klonaris touched Clarence Rolle in the parade you were on. He is not in the dock.

Sandra Alexiou also identified Alston Rolle - he is not in the dock.

I cannot say I saw everything that took place at the Princess Margaret Hospital identification parade.

Mrs. Alexiou's door was not open at the time you were brought out on parade. I did not see Mr. Hercules at the hospital.

30

I did not see Mr. Crawley showing pictures to anyone at the hospital. I did not see Mr. Crawley in Mrs. Alexiou's room. I did not see Mr. Crawley go into Mrs. Alexiou's room at any time while I was there. I cannot say he was ever in her room - I did not see.

Cross Examined - Farquharson.

The number of people who come to C.I.D. to pick out persons was three. Mrs. Sandra Alexiou - Mrs. Katherine Klonaris and Mr. Emmanuel Alexiou. I

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Evidence

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Cross-  
examination

23rd November  
1971

(continued)



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Evidence

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Superintendent  
Anthony  
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Cross-  
examination

23rd November  
1971

(continued)

conducted the identification parade at C.I.D. office.

Mr. Klonaris picked out one Clarence Rolle on Pinder's parade. Mrs. Sandra Alexiou picked out another on the same parade and she picked out Bernard Darling on the first parade. Mrs. Klonaris picked out Alston Rolle in Pinder's parade. He is not here. Emmanuel Alexiou pointed out (number 6) Anthony Butterfield. I do not know where he is. I do not know who was upstairs in my office - Mr. Hercules may have been. I cannot see upstairs and downstairs.

10

The witnesses were kept in my office. None of the witnesses picked out you.

I was present at Princess Margaret Hospital when identification parade held. I do not remember if Mrs. Alexiou picked out any persons other than the accused. Mrs. Alexiou did not identify the accused Farquharson. No one identified you - as far as I know.

20

I did not see Mr. Hercules at the hospital. I did not see your photos and Darling's being shown to Mrs. Alexiou at the hospital.

I do not know the nurse who attended Mrs. Alexiou in hospital at the identification parade. I did not see you in the area where the cars were said to have been stolen.

I did not see you break into these people's homes. I have never seen you at any time in the area where the Alexiou's live.

30

I never saw you with any gun. I never saw you with a cutlass. I never saw you and the other accused in the area where these cars were said to have been found. I never saw you and the other two accused on the night of the Alexiou incident.

Cross Examined - Darling.

I conducted three identification parades at C.I.D. office. The witnesses were kept in my office - yes. I do not know if Hercules was in that office. I gave an officer instructions to keep those witnesses where they were. This was Corporal (now Sgt.) Gibson.

40

Emmanuel Alexiou was the first witness on your parade. Portion of deposition read to witness - what I said in my deposition did take place. I do not know who recorded the statement of Emmanuel Alexiou - that is the statement in the notice of additional evidence. Nor do I know when the statement was recorded. I have not seen it any time.

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Evidence

No.19

10 The name of the next person whom Emmanuel Alexiou identified was Anthony Butterfield. After the paraders have said the words - stay under your covers - it was only then afterwards that he picked out you. I do not know why he asked the parade to say these words. He did not tell me the reason.

Superintendent  
Anthony  
McDonald  
Fields

On the second parade I did not say that the witness asked the parade to stay under your covers.

Cross-  
examination

The witness did not ask me to have the words repeated on each and every one of the parades.

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1971

(continued)

20 On the parade held for Pinder he did not ask for the words to be repeated. I do not know why he did not ask at that parade.

Emmanuel Alexiou picked out a man on the Pinder parade.

At that parade he did not ask the words "stay under your covers" be asked. He walked to the man at this parade and touched him. He did not say anything - Emmanuel Alexiou. Before the parade I spoke to him giving him the purpose of the parade. I told him it was to see if he can identify any of the persons who was at home and broke into his home on the 21st April.

30 Yes, he acted on that and pointed out a man. Emmanuel Alexiou came in - was told the purpose and he asked if they could repeat the words "stay under your covers". After that he touched Bernard Darling.

I do not know what was in the man's mind, whether he identified you by voice or feature.

40 Sandra Alexiou was brought and she too looked along the line. She looked at the line and said "I am not sure." Mrs. Sandra Alexiou identified a person on another parade - Austin Rolle on the parade held for Pinder. She did not say then that she was not sure - when she picked out Alston Rolle.

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She said she was not sure before she touched you. She had never told me before that she could positively identify the persons she saw in her room.

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Evidence

I did not ask her if she could positively identify any of the intruders. I do not think I should have asked her. Any time a person says I am not sure about anything - I believe I know what that means.

No.19

Superintendent  
Anthony  
McDonald  
Fields

I do not know who recorded the statement of this witness - nor when it was recorded - that is the notice of additional evidence nor where.

10

Cross-  
examination

Hilton: There is no objection to the jury inspecting the notice of additional evidence. This is done.

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1971

(continued)

I gave instructions that the witnesses be sent downstairs after the parade. I did not see them go downstairs - I cannot say. I gave the instructions to go downstairs to prevent any communication between those witnesses who had been on parade and those who had not.

20

I expect any instructions would be carried out. On the parade that I was - I asked Sandra Alexiou to identify anyone. When I told you, you would have a chance to say whatever you wanted to - I meant in Court on where you were charged. I did not see you break into the Alexiou house. Nor did I see you in the area at any time I have not met you or seen you with any of the articles alleged to have been stolen.

30

I have never seen you in possession of a revolver. Nor with a cutlass. I asked you if you wanted to make a statement. I asked you after the identification parade was held. I asked you if you wanted to make a statement about the murder and the other offences.

I never saw you committing any of these offences. I had information you were connected with the incident - that was on the 22nd April. I was then at the C.I.D. office. Farquharson gave me the information, which I had, sometime in the afternoon of 22nd April. I now say it was the day Farquharson was picked up - I retract the 22nd. I cannot say

40

it was definitely the 22nd April. I got the information at the C.I.D.

I do not know what time Philip Farquharson was picked up. I spoke with Farquharson the day he was picked up - either on 22nd or 23rd April. I did not say anyone told me you were involved.

10 Emmanuel Alexiou pointed you out that is why I asked you if you wished to make a statement. When Sandra Alexiou said she was not sure - I did not take it into deep consideration.

20 I know there have been quite a number of cars stolen - reports of. I have not seen you in any of those cars. I never saw you and the two accused persons together on the night of 21st April. I never saw you together on the following day. I cannot say when you were brought to C.I.D. - nor by whom. I gave instructions to someone to pick you up. I gave these instructions sometime on the 21st April - to members of the C.I.D. in general. I do not know what time you were brought in.

I gave evidence at the Preliminary Inquiry. I cannot recall if I made any mention of giving instructions for you to be picked up in the Preliminary Inquiry on the 21st April.

You became a suspect sometime on the 21st April. I think this was before midday that you were suspected. I cannot recall if I said this in my evidence. I cannot say exactly the time you became a suspect.

30 After being warned.

Question by accused: why was I suspected?

Answer: on the morning of the 20th April, between 5.30 a.m. and 6 a.m. the three accused persons were seen together coming from the bushes from Blue Hill.

I did not see you - I was told so. You were seen at Blue Hill Road - between 5.30 a.m. and 6.00 a.m. The crime was committed between 5.00 and 6.00 a.m. on the 21st.

40 I heard about the 20th incident about 9.30 a.m. on the 20th. To the best of my memory - I said this

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examination

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(continued)

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Evidence

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Superintendent  
Anthony  
McDonald  
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Cross-  
examination

23rd November  
1971

(continued)

in the Preliminary Inquiry - in my deposition.

A detective told me this. I am not obliged to tell you his name. I cannot give you the information told me by an informer. I do not know if I said this in evidence before. I was told this in the C.I.D. The information was given me - person to person. None of my informers told me that I was seen in neighbourhood of Alexiou residence.

Question: Is there any other relevant reason why I was suspect?

10

Answer: Yes.

I do not know when Farquharson made a statement - where or to whom. I was not present.

Accused: I ask for the witness to produce this statement.

Court: The statement cannot be put in at this stage.

The names of the persons in your identification parade - were as stated in my depositions. I got these men from off the street. None of them objected. You did not object in participating in the identification parade. At Princess Margaret Hospital - Crawley knocked on the door of Mrs. Alexiou's room - I recollect but I am not sure. I do not know if Crawley said he told Corporal Rose. I was at the identification parade from start to finish at the Princess Margaret Hospital. I was about fifteen feet from the parade. Not necessarily that I saw everything. I did not constantly look at the parade. I do not know what Crawley said. I did not see Mrs. Alexiou pick out two persons other than the third accused in the dock. I did not see Mr. Hercules at the hospital. Mrs. Alexiou might have said that she saw Mr. Hercules. I saw Corporal Rose at Princess Margaret Hospital. No one asked me. I cannot recall all police officers names who were there. I just remember now Corporal Rose was there. Sgt. Gibson - Corporal Sweeting - Constable Stubbs were there. Cannot recall if I saw Mr. Ferguson there - or Mr. Moss.

20

30

40

I went to Princess Margaret Hospital after

midday. I do not know when Mr. Crawley got there. I did not go to hospital alone. I went with some of those who were going to take part in the parade - not with a police officer.

Darling: I wish to ask a definite question.

Accused warned.

Did you not say in your deposition that you suspected me because you knew I was a housebreaker.

Answer: I said this.

10           Shown the Nassau Guardian of April 26th, 1971.

Mrs. Alexiou was in a wheel chair. I see that three Bahamian men were said to have been identified by Mrs. Alexiou at her bedside. I do not know how that got there. I did not give it to the Guardian. That report is not correct. I do not know who is responsible for that.

20           I cannot recall seeing any Guardian reporters at the hospital that I know of. I do not know the name of the nurse who attended Mrs. Alexiou. A nurse brought Mrs. Alexiou out of her room. I might recognise her if I saw her again. I do not know if Mrs. Alexiou identified two other men than you three accused persons. I spoke to Corporal Gibson - Hercules could possible have been in my room.

30           We have an album in which we keep photographs. I cannot say where it was at the time of the identification parade. It would surprise me to know if it was in my office at the time of the identification parade. In the C.I.D. office at the identification parade - I cannot say where Hercules was. I did not see him take the album to my office - it is always a possibility. I do not know anything about any witness being shown photographs. I can only speak of identifications.

Accused says at this stage "I am suspected only because of my previous criminal record". I want the jury to know about that. That is the only reason why I have been put on trial.

40           Note: Accused by the Court has been repeatedly warned about prejudice the jury may have but

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Anthony  
McDonald  
Fields

Cross-  
examination

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(continued)

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he has persistently refused to take my  
warning.

Prosecution  
Evidence

Court: It is part of the accused's defence and I  
have done my best to warn him throughout. I can  
do no more.

No.19

Accused: That is so.

Superintendent  
Anthony  
McDonald  
Fields

Continued: I cannot tell any particular house you  
have broken into unless I get your record. I have  
never seen you break into any house. I do not keep  
criminal record files.

10

Cross-  
examination

I know of five persons who were pointed out by  
Sandra Alexiou, Katherine Klonaris - Emmanuel  
Alexiou and Mrs. Ypapanti Alexiou.

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1971  
(continued)

It is possible that these persons could have  
picked out eight persons. I do not know when you  
were charged. I am not sure who charged you. I  
believe it might have been Mr. Hercules.

Before the identification parade - on 24th -  
you were held in connection with the murder of  
Anthony Alexiou. I do not know the time you were  
picked up. Yes, I spoke to you. I do not remember  
the exact time - but on 22nd April. I am not sure.  
I have not recorded it. It is not necessary.  
There were others in the room at the time - other  
police officers. I could remember some names -  
A.S.P. Gittens, Cpl. Gibson - Cpl. Sweeting they  
were there. I cannot recall if Mr. Knox was there.

20

Re-  
examination

Re-examined

The men I took to hospital were not for any  
particular parade. There was a parade in progress  
when I got there. I saw Pinder identified at the  
hospital.

30

Recalled  
Cross-  
examination

Anthony McDonald Fields recalled and resworn for  
cross-examination by Farquharson.

I said you were suspected of murder. We  
believed you and the others murdered Alexiou. You  
became a suspect on 21st April. I did not pick you  
up. We had information that you had been seen on  
the 20th April and that was my ground for picking you

you up on the 22nd. The murder took place on 21st April. Before the identification parade - you had made a statement. I did not make up your statement. Your fingerprints were on the car.

In the  
Supreme Court

Prosecution  
Evidence

Cross-examined Pinder by leave

No.19

10

I guess I was at home when the incident occurred. You were a suspect when you were brought. I had reasons - because of your activities on the 20th. Farquharson gave me some information. I did not see you on the morning of the 20th April. If you were not brought in on suspicion on the 20th I did not see you.

Superintendent  
Anthony  
McDonald  
Fields

I did not tell you I only put up persons on parade with a record. We did not find the gun. You told me Thompson might have picked it up.

Cross-  
examination

23rd November  
1971

(continued)

NO.20

No.20

EVIDENCE OF DETECTIVE  
SERGEANT ALFRED MOSS

Detective  
Sergeant  
Alfred Moss

Detective Sergeant Alfred Moss - sworn.

Examination

20

Examined by Mr. Hilton.

Sergeant of Police, Royal Bahamas Police Force - attached C.I.D. Nassau.

On 21st April, 1971 I went to Third Terrace West on the eastern side of Collins Wall. I went there at 12.40 p.m. I had information that a car had been seen parked in the area. I found a red Triumph car No.8988 parked near the wall at the end of Third Terrace West.

30

Shown photos 15 of album (F.P. and D.2) that resembles the car I saw. I later found out who owned this car. I examined the car. I found on the inside bits of stocking and a photo album. I identify these. I identify the photo album. I produce these stockings and the album - Ex. F.P. and D.21.

I searched the nearby area and in the bushes approximately 75 feet from where the car was parked -



In the  
Supreme Court

Prosecution  
Evidence

No.20

Detective  
Sergeant  
Alfred Moss

Examination

23rd November  
1971

(continued)

I found a strawbasket which contained a small photo album - a pay envelope, beads and an empty container and a small bottle with liquid. I produce the basket and contents - Ex. F.P. and D.22. After finding these articles I handed these over to Chief Inspector Chase for examination.

I was in the same area at 11.15 a.m. on 22nd April. I went to make a further search of the area. I searched I found two licence plates - numbered 8988, a torn leather wallet and a cutlass with tape on the handle. I produce these articles that I found - Ex. F.P. and D.23. I handed these articles to Chief Inspector Chase for finger print examination. On the 22nd April, 1971 I saw accused Philip Farquharson at 10.50 a.m. that day. I know Philip Farquharson well. I have known him since he was a baby - I am a little older than he is.

10

At the time he was being interviewed by Mr. Hercules, former Chief Inspector. He made a voluntary statement which Mr. Hercules recorded from him. I was present there the whole time. Farquharson signed it - so did Inspector Bonaby. After the statement was recorded, I went at 10.40 on the 23rd April - I went along with Farquharson - Mr. Hercules and A.S.P. Bullard to the accused's house at McCollough Corner East. There he handed me a brown corduroy trousers - which he said he had worn when he broke into the house of Alexiou with others. I produce the trousers - Farquharson handed to me - Ex. F.P. and D.24. He said the shirt he had worn on that night he had taken to a laundry.

20

30

On the 23rd April - I saw Darling at C.I.D. office - and I did not have a conversation with him. I went to his house with Bullard and Hercules at Rose Avenue. At his house he handed to me a grey pair of trousers and a striped pullover shirt. He claimed he had worn these clothes on night of 20th April. I identify the clothes which Darling handed to me - I produce them Ex. F.P. and D.25.

At 3.00 p.m. I left C.I.D. office with Farquharson - I drove the route directed to me by the accused, Farquharson. There were two other officers with me at the time. Farquharson first directed me to Park Manor off Market Street, when he told me "they" had removed a small white car.

40

I next drove to Dicks Point on the Eastern Road. The accused Farquharson pointed out a yard to me, where he said they had changed the white car to a red one. I know who now lives in the house at this place - a Mr. Lightbourne.

In the  
Supreme Court

—  
Prosecution  
Evidence

I drove further along the Eastern Road, Farquharson pointed out a house to me, with a sign on the gate reading "Las Olas". He said that was the house they had broken into. I know the house was owned by Anthony Alexiou.

No.20

Detective  
Sergeant  
Alfred Moss

Photo No.1 of Ex. F.P. and D.2 that is the house that was pointed out to me.

Examination

I then returned to C.I.D. office. At 3.40 p.m. the same day, I was accompanied by the accuseds Farquharson and Pinder to search an area at Fort Fincastle. The accuseds Farquharson and Pinder had no objections to coming with us. We went to an area at Fort Fincastle just west of Collins Wall. Farquharson and Pinder pointed out an old building and they said they had buried a gun near the old building. We searched around but did not find the gun.

23rd November  
1971

(continued)

On the 22nd April I remember, Philip Farquharson by being cautioned by Mr. Hercules. On 24th April, 1971 I saw Alexander Pinder at C.I.D. office. I received a pair of tennis shoes from him. He said that this pair of shoes he was wearing on 21st April. I identify the tennis shoes in question - I produce these Ex. F.P. and D.26.

On 26th April I went to a boarding house owned by Helen Capdeville - I was with Inspector Hercules and Corporal Hanlon. We went there on the information received. I searched the house in the presence of the owner Mrs. Capdeville. I found a bottle of Bacardi with some of the contents inside a drawer of a bureau. I identify the bottle of Bacardi I found - I produce it - Ex. F.P. and D. Ex.27.

At the same time I found photographs of Farquharson and Pinder in a bureau drawer - but not the same drawer as the Bacardi. The owner of the house was present at this time. I identify the photographs - I produce them Ex. F.P. and D.28.

On 23rd April I saw Pinder in conversation with

In the  
Supreme Court

Inspector Hercules at about 2.30 p.m. and 3.25 p.m.  
I remember Pinder was signing a certificate to a  
statement - at the end. I remember Gittens signed  
it and so did I.

Prosecution  
Evidence

No.20

Detective  
Sergeant  
Alfred Moss

Examination

23rd November  
1971

(continued)

Cross-  
examination

Cross Examined - Pinder.

The things I have identified - were not found  
in your possession. I did not meet you in any stolen  
car. This is a democratic country. I never saw  
you with any gun. I never saw you in the area to  
Alexiou family live. I saw Farquharson at the  
office. I do not know who brought him in. I have an  
idea why he was brought in. He was a suspect. I do  
not know when he became one. I witnessed the  
accused Farquharson when he made a written statement.  
The statement began around 10.40 p.m. I do not  
know if that time is on the statement. The day was  
the 22nd April. I cannot remember the day the 22nd  
April was. I do not know where you were when  
Farquharson was brought in.

10

I did not meet you with anything. You were not  
present when I searched Mrs. Capdeville's house. I  
said what I found. I went to search the house on  
instructions of Hercules. I did not take you to the  
house. You gave me the "tennis" in main C.I.D.  
office. I did not take your "tennis" off your feet.  
You said you wore the tennis on the morning of the  
21st - that is why I took them. I did not tell you  
that I was going to take your "tennis" to England for  
examination. I never said in my deposition that I  
found a tennis print in Alexiou's house. I heard a  
tennis print was found in Alexiou's house. That is  
one of the reasons why I wanted the tennis. These  
"tennis" - I never saw the prints at Alexiou's house -

20

30

I cannot say if they are the tennis that made the prints.

Your tennis are on exhibit. You said you were wearing the shoes on the 21st. I cannot say the shoes made the marks.

There were tennis marks on the Alexiou's house and you said you wore tennis on 21st - that is, the reason for them being here.

10      Shown page 3 - of the album - I do not know what the mark is - I cannot say what marks they look like. I never said I was going to send the tennis print to England. The prints resemble tennis prints.

Cross Examined - Farquharson.

I know you from babyhood. I know your parents. I witnessed you making a voluntary statement to Mr. Hercules. It was made about 10.50 p.m. on 22nd April.

20      I now say it was 10.50 a.m. I do not know where the statement is now. Mr. Hercules wrote the statement. You made it of your own good accord. I do not know if it was funny for you to make a statement.

I went at 10.40 a.m. on the 23rd to where you live. You handed to me corduroy trousers - which you said you wore when you broke in to the Alexiou's house.

30      We went to your house to collect the clothing you were wearing. I did not find anything in your house of the articles said to be stolen from the Alexiou's. You directed me to Market Street and Las Olas. You directed me - I did not take you.

40      You directed me to certain places. I did not see you break into the Alexiou's house. I do not know who was identified. You have no criminal record that I know of. I witnessed a statement you made to Hercules. Yes, you made a statement. I do not know why you were charged. You made a statement admitting. You were a suspect. I do not know when you became a suspect. You were suspected for murder. I do not know when you were first suspected. I never saw you in possession of any revolver - nor with a cutlass.

In the  
Supreme Court

Prosecution  
Evidence

No.20

Detective  
Sergeant  
Alfred Moss

Cross-  
examination

23rd November  
1971

(continued)

In the  
Supreme Court

24th November, 1971

Alfred Moss reminded of oath.

Cross Examined - Darling

Prosecution  
Evidence

No.20

Detective  
Sergeant  
Alfred Moss

Cross-  
examination

24th November  
1971

I went to where you lived, with Hercules and Bullard - to conduct a search of your house. We were searching for firearms. We did not find one. You never said you had one there. No one told me you had one. We searched on instructions - of Mr. Hercules. We got pants and shirt from you. We did not ask you for this pants and shirt. You were asked by me for the clothes you were wearing on the night of the 20th April. I had instructions to find out the clothing you were wearing. Mr. Hercules instructed me. You took the clothes off a hanger and gave them to me. (Ex. F.P. and D.25 shown to jury at request of Darling).

10

You told me you were wearing these clothes on the night of the 20th.

None of the Alexiou family told me that you were wearing clothes of that description on the night of the 20th. You gave me the clothes because I asked you for them.

20

Yes, we had a search warrant. It would be possible to get one. I know the owner of the particular house - of your parents. Yes I showed the owner the search warrant.

I went to a house on Fort Fincastle. I do not remember saying that. I do not remember saying that I got the information, when I got to the house. We got the information on the 26th about the house on Fort Fincastle. I do not know who gave Mr. Hercules this information. I was not present when he received this information. I do not know from whom he got this information.

30

We all went to Fort Fincastle house to conduct the search. It is a boarding house of two storeys. Helen Capdeville is the owner of the house. I do not know the "information", we had received. I was present when the search was conducted. The owner was not presented with a search warrant. I do not know the number of rooms in Capdeville's house. We went into one room - a bedroom.

40

Mrs. Capdeville gave us permission to search.

We were searching for anything that may have connected Pinder with the room.

Why Alexander Pinder - I do not know. When I went there I did not know accused Pinder lived there. Yes, I said in the previous trial that we were searching for evidence.

Yes, I know that Pinder was occupying this room. Because of information I received at the house - while we were conducting the search.

10 A lady gave me this information. I do not remember her name. I did not take her name. I do not know where this lady is now. I do not know if she is a witness in this case. I do not know if Mr. Hercules took this name. I think she told us her name - I do not remember what it was.

20 I did not see the accused occupying this room at any time. I never saw you in this room at any time. I never saw you in this room at any time. I received the tennis from Pinder on 24th April. I do not remember whether the three of you were together when I got the tennis from Pinder. The "tennis" were on Pinder's feet.

I never said I wanted the "tennis" to take to England. I wanted the tennis for an exhibit. I am not a shoe print expert. I do not know if there is one in the Bahamas.

30 He told me he was wearing the shoes on the 21st and I said I wanted them. I cannot say the tennis print was identical with the tennis print on Alexiou's house.

I do not know about reports to Police about stolen cars. I conducted a search in Third Terrace, Centerville - I was searching for any articles that may have been connected with the murder.

Shown F.P. and D.21, 22 and 23 - you do not live in the area where these articles were found.

40 I never found any of the articles in the house where you live. Farquharson showed me a number of places - one of them Park Manor, I never knew of these places until he showed them to me.

In the  
Supreme Court

Prosecution  
Evidence

No.20

Detective  
Sergeant  
Alfred Moss

Cross-  
examination

24th November  
1971

(continued)

In the  
Supreme Court

He showed me a place at Dick Point, where Lightbourne lives - he told me that was where they changed the white car for the red one.

Prosecution  
Evidence

I knew prior to this that Lightbourne's car had been stolen. He directed me to these places - I did not know before. He told me when we left the office - to drive to Market Street, where he pointed out the white car had been removed. I had not asked him about a stolen car. He just told me. At this time I do not know how many cars had been stolen. He pointed out the house where deceased lived. Yes, I knew where this house was before Farquharson pointed it out. He showed me the place where he said others had broken into. He took me to these places on 23rd April.

10

No.20

Detective  
Sergeant  
Alfred Moss

Cross-  
examination

24th November  
1971

(continued)

I know you were at C.I.D. office at that time. There was no reason to take you. Farquharson said he would point out the route taken. I had never seen you in the area I have described. Nor had I seen Philip Farquharson there. I did not see the print of the tennis at Alexiou's house. I never saw you or the others on the night of 21st April - nor the following day, together - nor together prior to the incident.

20

I have not seen you with a revolver in your possession. I never saw you break into Alexiou's house.

Cross Examined - Pinder.

I did not see the tennis print - I was told of them. I took the tennis from you because the print was found. I had no reason to take you to Fort Fincastle house. I never saw you rent this house. I never saw you in the area this place was.

30

Re-examination

Re-examined.

The shirt Darling wore seemed to be striped. Alexiou family never described any clothing worn by the accused to me. Farquharson lived in the area, where the articles found. I did not look for any tennis print.



NO.21EVIDENCE OF ASSISTANT SUPERINTENDENT  
WILLIS ALEXANDER BULLARDIn the  
Supreme CourtProsecution  
Evidence

No.21

Assistant  
Superintendent  
Willis  
Alexander  
Bullard

Examination

24th November  
1971Assistant Superintendent Willis Alexander  
Bullard - sworn.Examined by Mr. Hilton.I am Assistant Superintendent of Police, Bahamas  
Police Force, Nassau.

10 On 22nd April 1971 I had instructions about an  
alleged murder. I went in search of Darling. I  
found him on Thursday 22nd April at around 6.27 p.m.  
at McCollough Corner East - in vicinity of  
Symonette's Club.

I had a conversation with him. I told him I  
would like to see him at C.I.D. in connection with  
the murder of Anthony Alexiou - which occurred on 21st  
April, 1971. Darling said "all right". He got into  
the car, and he was driven to C.I.D.

20 On the next day 23rd April, 1971, I picked up  
Alexander Pinder alias "Shine" at Mason's Addition.  
I told him I would like to see him at C.I.D. in  
connection with the murder of Alexiou which had  
occurred on 21st April. After I told him this, he got  
into my car and I drove him to C.I.D.

Cross Examined - Darling.Cross-  
examination

30 I attended the Preliminary and I gave evidence  
at that time. Yes, I said in Preliminary Inquiry as  
a result of information received I went in search of  
Bernard Darling. What I said in my evidence about  
seeing you at McCollough Corner - that is correct.  
At the time you were walking in an easterly direction.  
I did not ask you at the time where you were going.  
I do not know where you were going. I did not ask  
you where you were coming from. Mr. Rose and Mr.  
Bonamy were with me in my car. You were going  
east and I was going in a westerly direction. I  
stopped and asked you to accompany me to C.I.D.  
Yes, you asked me what for. I told you I would like  
40 to see you at C.I.D. in connection with the murder of  
Anthony Alexiou on the night of 21st April, 1971.



In the  
Supreme Court

Prosecution  
Evidence

No.21

Assistant  
Superintendent  
Willis  
Alexander  
Bullard

Cross-  
examination

24th November  
1971

(continued)

You said "all right". You put up no resistance nor did you refuse to go. I got the information from the C.I.D. office to pick you up. Mr. Fields gave me the instructions to pick you up. I never mentioned receiving any instructions from Mr. Hercules to pick you up. I am positive of this. I remember telling you that I got this information between 8 and 9.30 a.m. on the 22nd April, 1971. When I got this information, I did not know where you were living at the time.

10

I went with Hercules and Moss to where you lived with your grandmother. We were looking for the clothing you were wearing on the night of 21st April. That is all. That is the reason why we went to your house.

I never saw you on the night of the 21st April. None of my colleagues told me the kind of clothes you were wearing. You told Sgt. Moss the type of clothes you were wearing. We were all in a bedroom in the house. Hercules was in another room of the house at the time. I was present when Moss got these clothes. You gave the clothes to him. You took the trousers from a hanger and the shirt was on a basket. No it was not in a suitcase - as you put it to me. You gave the clothes to him. You gave him the clothes - I maintain that.

20

None of the Alexiou family told me they had seen you in their house. I do not know that any of the Alexiou family ever said the clothes we took from you were the clothes you were wearing that night.

30

I do not know before we went to your house that Alexiou family had described the clothing you wearing or anyone was wearing on the night of the 21st April.

We went to get your clothing.

I was only accompanying an investigating officer. I did not know what you were wearing before I went to your house. I do not know if Inspector Hercules knew - I do not know what information he had. I have never seen you in the area where the Alexious live. I was told to pick you up.

40

Darling: Is that all you were told? I want everyone to know particularly.

Answer: I was told you had been seen in Blue Hill Road in suspicious circumstances.

In the  
Supreme Court

Court: This is hearsay. Not admissible.

-----  
Prosecution  
Evidence

Examination continued:

No.21

I did not see you there. I heard this on the morning of the 22nd April. I never saw you in possession of any revolver and I have never seen you in the area with the others.

Assistant  
Superintendent  
Willis  
Alexander  
Bullard

Cross Examined - Pinder.

10 I have known you for some time.

Cross-  
examination

At the time I saw you, you were fifteen or ten feet from me. You did not try to run. I am positive you knew we were police at the time. When I called you, you came quickly. You were alone at the time. I never met you in possession of anything that was stolen. You did not have a gun on you at the time. You were walking at the time. You were never in any area, where you were supposed to be.

24th November  
1971

(continued)

20 You could have ran away at the time, if you had wanted to. I never saw you break into the Alexiou's house. I never saw you and the others together on the night of the 20th April. I have never seen you in any stolen car.

Cross Examined - Farouharson.

30 On 22nd April, 1971 - I went in search of accused Darling - on information. I found him. When I picked up Darling you were not all three together. On 23rd April, 1971 I went in search of Alexander Pinder. Yes, I found him. You were not three together at the time.

-----  
NO. 22

No.22

EVIDENCE OF DETECTIVE INSPECTOR  
LINCOLN OSWALD HERCULES

Detective  
Inspector  
Lincoln Oswald  
Hercules

Detective Inspector Lincoln Oswald Hercules -  
sworn.

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Darling: I would like to know if it is possible for Mr. Hercules to give his evidence without Mrs. Alexiou being in Court, because I have asked to have her recalled to the stand, on some special point. I do not want Mrs. Alexiou recalled at this stage.

Hilton: Yesterday, we had the evidence of Mr. Fields - the opportunity was afforded to Mr. Darling to have Mrs. Alexiou recalled and he said then it was not necessary since Mr. Fields had already given evidence. If Darling wanted to have Mrs. Alexiou recalled in connection with the same purpose as with Mr. Hercules, it seems that there is no necessity.

10

Court: I see no reason nor have I been given one to exclude Mrs. Alexiou from the Court at this stage. Let Hercules give his evidence.

Examination

Examined by Mr. Hilton.

24th November  
1971

In April of this year, I was a Detective Inspector of Royal Bahamas Police Force.

20

On 21st April, 1971 I took charge in the enquiry of Mr. Anthony Alexiou, I visited his home on the eastern road, accompanied by Detective Sergeant Moss, Corporal Hanlon and three other police officers. I interviewed Mrs. Katherine Klouaris and Mrs. Sandra Alexiou. Later in the day, I also interviewed Mr. Emmanuel Alexiou.

I showed a set of photographs to Emmanuel Alexiou and a section of a photo album to Mrs. Katherine Klouaris. I showed these photographs to Emmanuel Alexiou in the waiting room of the private ward of the Princess Margaret Hospital. This was on the evening of the 21st, April 1971. I showed the photograph album to Katherine Klouaris the same evening at the home of Mrs. Klouaris on West Street, near Malborough Street.

30

On 21st April I received from Dr. Joan Read a spent bullet. Shown a bullet - that resembles the same bullet as I received, from Dr. Read. I produce it - Ex. F.P. and D.29.

40

I received a medical report from Dr. Read. At the Preliminary Inquiry I exhibited it as an

exhibit. I also received two screws from Assistant Commissioner Crawley. Shown the screws - they resemble the same - Ex. F.P. and D.4.

In the  
Supreme Court

10 On the 22nd April, 1971 at about 10.00 p.m. I saw the accused Bernard Darling, at the C.I.D. office in Bank Lane. I told him he was suspected of the murder of Anthony Alexiou and I cautioned him. I made notes of the interview with him which followed - I made the notes - at the time. I asked Darling where he was on the 22nd of April - and he said he was at Lewis Street all day by the Cinema. My next question was where did you sleep last night (the 21st). Darling answered, I slept home last night, I went home from the evening. I asked, where did you sleep on Tuesday night - 20th April - and Darling said I slept home Tuesday night from around 12.00 midnight - I do not know what time I got up yesterday morning. I asked him who could say he slept at home on Tuesday night and he replied - my grandmother Lorna Brown, who was home. She was not asleep when he went home. I asked him which room of the house he slept in and what time did he leave home next morning. He replied there are four rooms in the house - I sleep in the back room. My grandmother sleeps in a different room. She was lying down, when I got up. I changed my clothes and came on the street, I do not remember seeing any school children, it was after their break.

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Examination

24th November  
1971

(continued)

30 I then asked the accused Darling what clothes he was wearing on the 21st April and the 20th April. He replied that on the 21st he was wearing a grey pants and a yellow long sleeve shirt. On the 20th he said he wore the same trousers and the shirt he was wearing at the time of the interview. This was a knitted short sleeve shirt. I then asked him to give me his whereabouts from Tuesday 20th April beginning at sunset. He replied - "I was by East Street by the Cinema and through Lewis Street. A crowd of us were together - me and a couple of other fellows. I do not mean that we were struggling together. I mean we were by the theatre together. We went down by Father Allen - I went by myself. I do not know what time. I went home around midnight. That was the end of my first interview with Bernard Darling. This interview began about 10.00 p.m. on the 22nd April. I cautioned the accused. Sergeant Moss was present, Corporal Hanlon (for part of the time) and Evans.

40

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Examination

24th November  
1971

(continued)

Prior to my first interview with the accused Darling, I had interviewed Mrs. Ypapanti Alexiou. This was about 7.00 p.m. on 22nd April. This interview was in the private ward at Princess Margaret Hospital.

At this point the accused persons object that this witness is not saying the same as he said in his deposition. (Court - this is noted).

Continued: With Mrs. Ypapanti - Cpl. Hanlon was present and attendant nurses. I showed Mrs. Alexiou photographs. That was the only time I ever showed her photographs. 10

By Darling: Can I see the witness notes?

Court: They can be put in as an exhibit. Put in and marked Ex. F.P. and D.30.

Continued: Shown Ex. F.P. and D.25 - this is the shirt Darling was wearing at the interview and so are the trousers.

I remember at about 10.50 p.m. on 22nd April, I saw the accused Farquharson at C.I.D. I told him he was suspected of breaking into the Alexiou house on the morning of the 21st April, with others and shooting Mr. Alexiou. I cautioned him. I asked the accused Farquharson to remove his shirt and trousers. I saw bruises on his right shoulder and left thigh. 20

I had a conversation about night of the 20th. I asked him to give me his whereabouts for that night. He said he was by the Cinema theatre with a girl called "Butt". He said they left the theatre at about 10.00 p.m. and that he took her home. He said he reached home 1.30 a.m. He said he smoked some marijuana and went to bed. The accused Farquharson then asked me if he could speak with me privately. I took him into an adjacent office. There he said I know this will get me in trouble but you all know I would not hurt anyone. I will tell you what happened. Upon that point, I again cautioned him. He said "Me, Shine and Bernard went in the house. Shine shoot the man. I asked him who was Shine and who was Bernard and he said Alexander Pinder and Bernard Darling." 30 40

He related how the three of them stole the car on Market Street in the vicinity of Government House which Shine drove to a point on the Eastern Road. I am telling what Farquharson said to me privately, before any written statement. He said they drove to the Eastern Road where they stole a second car, that they continued until accused Darling pointed out the house they were to break into - they parked on the beach and went to the house. Shine had a gun and Darling had a cutlass. He said they climbed up the wall and went into the house. Shine shot the man. They ran out drove down the back road to Collins Wall and went home.

10

Note: All accused objected to this evidence, but the Court ruled it admissible.

I then asked Farquharson if he wanted to make a statement in writing. He agreed to make a statement in writing. I told Farquharson I would call other persons to witness the statement. I called Sgt. Moss, Sgt. Bonamy and Cpl. Hanlon into the room. In their presence I again cautioned the accused Farquharson. Farquharson at this point made a statement which I recorded.

20

Court - asks Farquharson if he has any objection to this statement being tendered.

Farquharson: I object to this statement going in on the grounds until that signature of that statement is proved to be mine. That is all that is my sole objection. I did not sign the statement and I did not make one.

30

Court: The matter is one for the jury.

Evidence continued: I cautioned Farquharson after I called the officers into the room. Accused .... repeated ..... the details and I recorded his statement. I read back the recorded statement to the accused. He agreed that it was an accurate statement. He was given an opportunity to make any changes he wished, and at my request he wrote the last paragraph of the statement. He then signed the statement and I signed and one of the other witnesses signed the statement.

40

Before I related the details no one threatened and beat the accused and no inducement was offered.

In the Supreme Court

Prosecution Evidence

No.22

Detective Inspector Lincoln Oswald Hercules

Examination

24th November 1971

(continued)

In the  
Supreme Court

Nor when he signed the statement at the end was he  
beaten, threatened or induced to make a statement.

Prosecution  
Evidence

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I identify the statement Farquharson made. The  
statement was begun-it is not noted. It finished at  
12.40 a.m. on 23rd April. Moss and Bonamy witnessed  
it. I saw Farquharson sign and the witnesses sign  
it. I now produce this statement - Ex. F.P. and  
D.31. (read in Court).

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

I then detained the accused Farquharson. The  
statement was shown to the accused in the  
Magistrate's Court and I heard him acknowledge that  
the signature was his.

10

Examination

Note: Jury warned at this stage that this statement  
is not evidence against Darling and Pinder.

24th November  
1971

(continued)

On the 23rd April, 1971 I saw the accused  
Darling about 1.00 a.m. I cautioned Darling. He  
said he was on East Street by the Cinema and that he  
went home from around midnight. This was for the  
night of 20th April, 1971. I asked Darling if he  
wanted to make a statement in writing and said "if  
you have evidence that I shoot anybody then charge  
me. I don't have anything to live for". Darling  
was then detained.

20

I saw the accused Alexander Pinder at 2.30 p.m.  
on 23rd April, I saw him at C.I.D. I told him he  
was suspected of breaking into Alexiou's house on  
the morning of 21st April with others and shooting  
Mr. Alexiou. I cautioned him. He said he was not  
afraid of anyone that he was a first born and God  
protects the first born so he could say what he did.  
He said he Bernard Darling and Farquharson, Barry  
Thompson and an American fellow went to the Alexiou  
house in two cars which they parked by the beach.  
He had cutlass - Farquharson had a gun. They went  
over to the house and Farquharson had a gun and he  
went in first and the others went in and he went in  
last fired two shots at some people who were in the  
bed and gave him the gun. He gave Darling the  
cutlass. He himself fired two shots and they ran  
out.

30

40

I asked the accused who had the gun at that  
time. He said that after they had left the scene he  
gave the gun back to Farquharson, who later hid it  
behind an old building on Fort Fincastle. He said

the gun belonged to Barry Thompson. He said the C.I.D. had picked up Barry Thompson and had allowed him to go.

In the  
Supreme Court

I asked him if he was sure Barry Thompson was involved but he quickly changed and said it was he only, with Darling and Farquharson.

Prosecution  
Evidence

No.22

10 I asked Alexander Pinder if he wanted to make a statement in writing and he agreed to do so. He said the gun had been loaned by Barry Thompson to Darling some time ago. I asked him if he wanted to make a statement in writing and I cautioned him. I then recorded his statement in writing.

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Pinder: I asked for a finger print expert to determine the handwriting. I am sure Hercules wrote the statement. He came to the box yesterday and told me it was only legal formalities because I had been convicted a long time. I did not make this statement- he said Bahamians do not know no sense. I made no statement and I did not sign it.

Examination  
24th November  
1971  
(continued)

20 Court: I rule that the statement can be put in. The facts are for the jury.

I recorded a statement for the accused Pinder in presence of several police officers. At the time the statement was read over A.S.P. Gittens was present - Sgt. Moss.

Pinder says these names were not mentioned in the Preliminary Inquiry.

30 I cautioned the statement made by the accused Pinder. Pinder, as he spoke, I wrote. I read the statement back to Pinder - I asked him if it was correct or if he wanted to make any alterations. I then asked Pinder if he wanted to write the last paragraph of the statement and he declined, telling me to go ahead and write it, which I did. Then Pinder signed the statement, I signed the statement and accused signed it.

40 I identify this statement signed by me, Mr. Gittens, Mr. Hanlon and Mr. Moss. Before the accused Pinder related the facts to me no police officer threatened Pinder or used force or induced him to make a statement. Nor before he signed it. I produce the statement of Pinder - Ex. F.P. and D.32.



In the  
Supreme Court

Note: Jury warned this statement is not evidence  
against Farquharson or Darling.

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Examination

24th November  
1971

(continued)

At 3.40 p.m. the accused Pinder and Farquharson took myself and several other police officers to Fort Fincastle near Collins Wall across from Third Terrace Centerville. They took us to an old building and showed us a spot in the back of this building where Farquharson said he had hidden the gun. We dug up the area but did not find the gun. Pinder and Farquharson helped to dig. We then drove around into Centerville on the opposite side of the wall, where we searched for the empty Bacardi bottle, which Pinder claimed to have thrown in that area. We also searched for Pinder's torn white shirt, which he claimed to have been thrown there. We could not find anything. Farquharson and Pinder then directed me and other officers to Dick's Point and showed us the place where they had removed the car 8988 on the night of the 20th - the place where they moved the car, they pointed Mr. Lightbourne's house. We then returned to the C.I.D.

10

20

I did not see Farquharson at Criminal Records Office on 23rd April. I gave instructions to Rose to record a set of his finger prints - that is, what was done. It was done in my presence.

Note: Pinder says this was not said in Preliminary Inquiry and should not be allowed.

Objection by all accused that the witness did not give this information in the Preliminary Inquiry.

30

Court: I cannot exclude it.

On 24th April, 1971 I saw the three accused persons at Central Police Station. I told them it was intended to hold an identification parade and asked them if they had any objections. All three accused took part. The accused Darling requested that a yellow long sleeve shirt be brought from his home. I carried out his request.

I was not present at any identification parade.

At 6.00 p.m. the 24th April I charged the three accused with murder and attempted murder - robbery with violence and burglary.

40

I again cautioned them. The accused Darling asked if another identification parade could be held with him wearing different clothes. I told him this would be improper. He then asked to see me the following morning. I saw him about 10.00 p.m. on the 25th April. I cautioned him. He said that on the night of 20th April he was in East Street with Shine, Farquharson and Pinder. They were through Lewis Street, where they smoked some marijuana. He said they went back to East Street by Father Allen's and then through the corner opposite Father Allen's. He said they smoked some more marijuana - from that he went home reaching there by midnight. He said he did not go to the Alexiou home in the night of the 20th. He said that Barry Thompson was involved. I asked him how he knew Barry Thompson was involved, but he declined to answer. He again declined to make a written statement.

10

20

On the afternoon of 26th April accompanied by two other police officers I went to a boarding house on Fort Fincastle, owned by one Helen Capdeville. We carried out a search of room 4 of the building. Mrs. Capdeville was present through the search. In this room, I saw a lot of men's clothing some bearing the name Alexander "Shine" Pinder. There was also a passport and photographs of the accused Pinder. In a cupboard in the same room, I saw a 40 oz. bottle Bacardi bottle. Sgt. Moss took possession of this.

30

The accused Pinder had told us on the afternoon of 23rd April that he had no place to live - and that his clothes were in the laundry and that he slept in Cinema Theatre.

40

On 7th May, 1971 I served a photo copy of Pinder's statement to the accused Farquharson but Farquharson declined to accept it. The accused Pinder accepted a copy of Farquharson statement. The accused Darling accepted copies of Farquharson's and Pinder's statements, - the Exhibits F.P. and D.31 and 32. I was in the interrogating room of C.I.D. when Rose took the finger prints.

Note: Objection by accused Darling - that this is improper evidence.

Farquharson: Can I see my statement?

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Examination

24th November  
1971

(continued)

In the  
Supreme Court

Court: Certainly.  
The same request by Pinder.

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Lincoln Oswald Hercules reminded of oaths.

I saw Farquharson sign his statement. I saw him sign two sets of finger prints on the 23rd and 26th April - I identify the forms I saw - the signatures were made in my presence by Farquharson - Ex. F.P. and D.7 and D.1.

At the Preliminary Inquiry I submitted the medical reports in this case to the Magistrate.

10

Examination

24th November  
1971

(continued)

Cross-  
examination

Cross Examined - Pinder.

I was born in Barbados. I think Mr. Fields was born in Tobago. I did not see any of you accused persons together on 20th April. Nor on the 21st April. I never saw you or any other of you in any of the stolen cars. I did not see you in the area, where the Alexious live.

I never saw you in possession of any article that had been stolen from the Alexious. I never saw you at C.I.D. with any cutlass. I never saw you with any gun. None of the Alexiou family told me to look for you Alexander Pinder. Some of the Alexiou family gave me a description of the clothes you were wearing. Mrs. Ypapanti Alexiou told me - so did Emmanuel Alexiou - Sandra Alexiou and Katherine Klonaris. I am sure of this. On the 24th April I never said I was going to charge you because you and the others had been seen together. I never told you that I was charging you because you and other accused had been seen talking together.

20

30

I did not tell you that I was going to hold an identification parade at hospital 24th and that I would see you were picked out. At the hospital I did not show Mrs. Alexiou any photographs of anyone. You are lying, you could not have seen me showing her any photographs. I showed the Alexious family

photographs once only. I showed the photographs because I was doing a murder enquiry. I showed Emmanuel Alexiou about nine photographs.

In the  
Supreme Court

You were charged at about 6.00 p.m. on 24th April. On April 26th I went to a house owned by Mrs. Capdeville. I said I found photographs of you and Farquharson in that house. No it is not strange for a person's photograph to be in a house.

Prosecution  
Evidence

No.22

10 Yes, I found also a bottle of rum. I did not check the bottle for finger prints. I was not involved in finger print work - I was just doing an investigation. It is normal for rum to be in some persons homes. Before the identification parade took place, I was upstairs in Mr. Field's room. That was at the C.I.D. Sandra Alexiou, Katherine Klonaris and Emmanuel Alexiou were in the room with me. At this time I was not showing three persons photographs of you - Farquharson and Darling. I heard Mrs. Alexiou senior say I showed her photo-  
20 graphs. She did not say I was present at the identification parade - in my presence. I did not tell Mrs. Alexiou to pick you out at the parade.

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

I did not show Mrs. Alexiou photographs at the identification parade. At the C.I.D. I interviewed you once. You were cautioned several times. You said you and the others drank the rum. I wrote the statement from what you said. I did not make it up from what I was told by others.

Cross Examined - Farquharson.

30 I saw you on 22nd April at 10.55 at C.I.D. I told you you were suspected of taking part in the shooting of Alexiou - that is correct.

Anthony Alexiou was shot on the morning of 21st April, 1971. You became a suspect on 21st April - of taking part in the killing of Alexiou and the burglary.

I have never known you break into anyone's home. Bahamian and Canadian currency - photo albums - straw basket - 40 oz. bottle Bacardi - dark.

40 I never saw you with any of these items. I never saw you break into these people's home. I did not say I went to your home - but I did go there. I

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

had a search warrant. I never found any of the stolen property in your room. I can give reasons why you were suspected - the information was that you and the others were seen at Blue Hill Road. I never saw you in the area of the Alexiou house. I did not see you break into these people's house. Three persons came to C.I.D. to identify people - Katherine Klonaris - Sandra Alexiou and Emmanuel Alexiou. As far as I am aware, none of the people identified you at the parade.

10

Mrs. Ypapanti Alexiou did not identify you on the parade - I never saw you in possession of any gun. I think two others were identified apart from you three accused persons. I am not aware that these were six mistaken identifications. I was in Mr. Field's office I did not show any photographs of you accused persons, to the witnesses in Field's office. I was not at the hospital when the identification parade was going on. I have already said I was not in hospital when identification parade was being held. I interviewed you three times.

20

Cross Examined - Darling.

I remember Mrs. Alexiou giving evidence in this Court. I remember you asking Mrs. Alexiou if you had shown her photographs. I remember what you asked Mrs. Alexiou. I remember you asking Mrs. Alexiou if I was present at hospital at the identification parade. Mrs. Alexiou replied that I was not at the hospital at the day of the parade nor did I show her photographs.

30

I did make a statement at the preliminary inquiry. The statement was read back to me by the Magistrate. I was not given a copy of this statement. I signed my statement as being true and correct. I said in my statement "on the same date I received from Mr. Crawley two small screws. These are them. Continuing my enquiries that day, I interviewed Emmanuel Alexiou and Mrs. Katherine Klonaris. I showed her a set of photographs".

40

That is true, what I said.

I never said I showed these photographs at their homes. Katherine Klonaris was at her in-laws home in West Street, when I showed her the

photographs. Emmanuel was sitting the waiting room outside the private ward of the Princess Margaret Hospital. I showed those pictures to Emmanuel - on 21st April - not 24th - I am not concerned with what another witness may have said.

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

10 It is correct that the knitted yellow shirt was the one you were wearing when I interviewed you. I am not sure that the yellow shirt - Ex. F.P. and D.25 was the shirt that you were wearing when I interviewed you. Moss took possession of your clothes, at your house. You were wearing the pants Ex. F.P. and D.25 when I interviewed you. You changed your clothes at your home. I do not care what anyone can substantiate I am giving my own evidence.

20 It is correct that you said if it was possible to hold a different identification with you wearing different clothes. It is correct that I said that was improper. I did not show any photographs to anybody. It was improper to hold a second identification parade because the witnesses had already seen you physically. I cannot show you any section of law to that effect. I had 15½ years experience. I did not see you break into these peoples home.

I never saw you and the other accused persons together at this incident at the Alexiou's house.

30 I never saw you together the day prior to this incident. I never saw you together on the night in question. None of the Alexiou family told me to go and look for Bernard Darling. All the time of my interview with you at C.I.D. I never saw you in possession of any revolver.

The Alexiou family did not tell me that you Bernard Darling had broken into their house. I have not seen you in any stolen cars - nor have seen the two accused Farquharson and Pinder in any stolen cars.

40 None of the Alexiou family told me that the particular clothing Ex. F.P. and D.25 was the clothing that you were wearing that night.

I did not find any of the clothes the witnesses described in your house. I never saw you and the other accused persons together on the morning of the 21st April.

In the  
Supreme Court

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Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

I went with others to your home principally to search for a fire arm, and anything else that might have been connected with the Alexiou murder.

I did not find anything there. Mr. Alexiou had been shot. I went to your house on the morning of 23rd April. I am sure that it was the morning of the 23rd April. Your name had been mentioned. I had a search warrant duly signed to search your house. The Search warrant was read and shown to you. I showed you this warrant to you at your home. I never showed the warrant to your grandmother. 10

So far as I know you are not the owner of that house. I told the owner we had a warrant. If the owner was on the premises, the proper thing to do is to show the warrant to the owner. The owner was not in the house when I got there - to your home. I saw the owner of the house on that day. You were brought to the police station on 22nd April. It was A.S.P. Bullard who brought you.

On the 24th April, you were officially charged. You were held as a suspect from 22nd April to 24th April. You were suspected for breaking into the Alexiou house - robbing the Alexiou family. 20

After all the available information had been assessed by the police. I got the information on the 21st April - from various sources.

There were several sources - I do not know - maybe more than three or four. I do not know if there were two sources. I got information that made you suspect. I got information on 21st April at various times. I got information by various means and by telephone. I got some information and so did others. I did not hold you as a suspect because of your record. 30

I remember two others being identified besides yourselves. I was not there when these two other men were identified. I had access to all the reports. I was not present when you were picked out. I do not know that six persons were mistakenly identified. 40

I charged you because I had evidence - of identification. That is why I charged you. There was no evidence to charge anyone else, than you. I have only identification evidence.

I had two statements of eye witnesses - your co-defendants. They gave me their statement on the 22nd and 23rd April. I did not see you along with either accused. Nor were you arrested in the company of either of these men.

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

10

Yes, I was in the Central Police Station building when the identification parade was being held. Correct that I was upstairs in Mr. Field's office then. I did not have the Police Photograph Album with me then upstairs.

20

I showed photographs to three of the Alexiou family. This was on 21st April - I showed pictures to Emmanuel Alexiou and Katherine Klonaris. On the 22nd I showed photographs to Mrs. Alexiou senior. There was a photograph of you. There was a picture of Pinder when I showed the photograph to Mrs. Ypapanti Alexiou. I showed no pictures of Philip Farquharson to these witnesses. It was 22nd April that I showed your pictures to Ypapanti Alexiou. I know that from my records Farquharson was not identified in any parade.

I never saw you together - you, Farquharson and Pinder. All the available information was assessed - you were a suspect and so were they.

30

I do not know of any others than you being picked up by police. I took a statement from Sandra Alexiou and Emmanuel Alexiou. Sandra's statement was taken on 21st April and Emmanuel's statement on 24th April. Emmanuel's statement was taken at C.I.D. office and Sandra's I do not know where I took it. I now remember it was taken at her house in Eastern Road. I do not know if they gave evidence at the Preliminary Inquiry. I do not know where the original of these statements are now.

All statements are in police custody in C.I.D. office. I do not have them.

Darling: At this stage - I want the original statements produced.

40

By the witness: What is shown to me the note of additional evidence is a resume not the whole statement.

Court: The accused is entitled to see them - the original statements.

Court adjourned to enable witness to get them.



In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

The statements to the police are shown to the witness, who is told that he can put the contents to both witnesses, if they are recalled for that purpose.

Cross Examination continued.

I was in bed when the crimes were said to have been committed. My family could possibly say that I was in bed. I did not pick up anyone for questioning in this matter. I do not know whether Sandra or Emmanuel Alexiou gave evidence at the Preliminary Inquiry. I gave evidence. On the date I gave evidence, it became necessary to cut short some witnesses because of your behaviour. When they returned from being away, I told them i.e. Sandra and Emmanuel that the Preliminary Inquiry had been closed.

10

I cannot give you the exact date, when the Preliminary Inquiry ended - but it was the day that I gave evidence. I cannot remember when I told them that the Preliminary Inquiry was over and they could not give evidence at the Preliminary Inquiry.

20

I am familiar with the law that a Preliminary Inquiry can go in absence of the accused person.

By misbehaviour - I mean bad conduct - interruptions - shoutings. Two persons mis-identified, I cannot recollect these names. Their names Anthony Butterfield and Alston Rolle. I have not the faintest idea where these men are now - I would not know them if I saw them.

On the days I attended Mrs. Alexiou in hospital there was a nurse in attendance all the time. I showed Mrs. Ypapanti Alexiou photographs in presence of another police officer. That officer was Detective Corporal Hanlon - of that I am sure. When I was showing Mrs. Alexiou the photographs a nurse was in the room. I do not know the name of this nurse. It could not be possible for me to recognise her if I saw her again.

30

I asked you if you wanted to make a statement. The only subject discussed was the murder of Mr. Alexiou. When I asked you to make a statement, I had evidence to charge you. At that time I had a statement of a witness. The statement of the witness

40

was not taken in the presence of you. It was not taken on oath. You were at C.I.D. when this statement was made. The statement was that of Philip Farquharson.

In the  
Supreme Court

Prosecution  
Evidence

No.22

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

10

You were brought in before Farquharson. I am not sure then - I think it was possible at 6.00 p.m. on the 22nd April. Farquharson was brought in around 10.00 p.m. the same day. I asked you if you wanted to make a statement. The investigation was going on - that is why I asked if you wanted to make a statement. You declined to make a statement about the murder of Mr. Alexiou.

20

I never saw you commit a murder. A statement can be a denial. You said you did not want to make one.

I heard you three had been seen together prior to this incident, I will not tell you my informant. I heard this sometime on the 21st April. I do not remember the exact time - nor the place where I was at this time.

Cross Examined - Farquharson - by leave of Court.

Yes, I said I interviewed you three times - that is correct. My first interview dealt strictly with the murder of Mr. Alexiou. The second and third interview dealt with the firearm.

Corporal Hanlon and Corporal Rose picked you up - if I recollect correctly. I found no firearms. I never saw you with a cutlass. I never saw you and the other accused persons on the night of the 21st.

30

Cross Examined - Pinder - by leave of Court.

I did go to the scene where this crime was said to have been committed.

There was a "tennis" print found on the first level of the wall, surrounding the patio on the ground floor.

40

Police photographers took a photograph of the print. On 23rd April I was present when you gave Sgt. Moss your tennis, when he asked you. The tennis was taken on the instructions of me because the pattern of the print was identical with the tennis shoe.

In the  
Supreme Court

The tennis is, of course, not only kind of tennis sold in the Bahamas - nor is that the only size sold in the Bahamas. You told me you were wearing these tennis, when you climbed up the wall.

Prosecution  
Evidence

You are trying to match a photograph with the size of the shoe.

No.22

Cross Examined - Darling - by leave of Court.

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

I want to see the photographs of myself and Pinder, which were shown to Mrs. Alexiou. This is shown to the accused.

10

Cross-  
examination

Darling: Can they be put in as an exhibit?

Court: Yes.  
The photographs are marked Ex. D.2.

24th November  
1971

(continued)

Re-  
examination

Re- examined.

When I showed pictures to Mrs. Ypapanti - I showed her all the photographs - fourteen roughly and not separately. The photographs were stapled together - no names were put and as many similar persons were shown together as possible. The photographs were on a folder. I produce the photographs as shown to Mrs. Alexiou - Ex. F.P. and D.33.

20

None of the accused were in my office with the witnesses.

Re-called

Lincoln Oswald Hercules resworn and recalled at the request of Farquharson and Pinder.

Cross-  
examination

Cross Examined - Farquharson.

On the night of 21st April I was investigating this case at Central Police Station. At 5 a.m. on 21st April I was at home. My family can support that. You were a suspect - of committing these offences - from information which I heard. You were held because of your statement, to myself and other police officers. I am saying I wrote what you told me. I am a finger print expert.

30

Cross Examined - Pinder.

I never saw you break into Alexiou's house. You were picked up for these offences. You had been identified by photographs. You were not identified at C.I.D. identification parade. There was no evidence to support a charge against those not picked out.

In the  
Supreme Court

Prosecution  
Evidence

No.22

Cross Examined by leave by Darling.

10 I have already gone through the matters why you were arrested. Mrs. Capdeville's evidence is against you. I did not tell the others to pick you out. I recorded a statement from Mrs. Capdeville. From the 22nd April to the 24th April - on the 22nd April you were a suspect on information. Having been picked up you were detained because police had two witnesses' statements. I never told the witnesses to say it was you. I am not relying on your past. On the morning of the 24th I never shewed anyone pictures. There was no evidence that  
20 any of the others who were wrongly identified had anything to do with the crime. I never saw you do the deed. A number of men were identified other than you three. We could have charged you before the identification parade was held, of Farquharson and Pinder as at 23rd April. Others than you had only been identified by photograph - I shewed your photograph. Police had information that you had taken part on 21st April. I did not shew any pictures of the men who were picked.

Detective  
Inspector  
Lincoln  
Oswald  
Hercules

Cross-  
examination

24th November  
1971

(continued)

30 Court: There is nothing new. The cross-examination must be closed. It has been all going on too long.

Re-examined.

Pinder was picked out by photograph.

Re-  
examination

In the  
Supreme Court

NO. 23

EVIDENCE OF CORPORAL CHARLES KING

Prosecution  
Evidence

Corporal Charles King - sworn.

No.23

Examined by Mr. Hilton.

Corporal  
Charles King  
Examination

I am a Corporal at H.M. Prison, Nassau. I remember seeing Farquharson in prison on 20th May, 1971. On that day I was making a search. On reaching Farquharson Officer Jonathan King found two letters in his waist band. King handed them to me and I read them. I passed them to Inspector Taylor. (Note - these letters were identified by Mr. Crawley). I identified in Court the letters found on Farquharson. I produce them. Exhibit F.P. & D.34. I put my initials on the letters.

10

Cross-  
examination

Cross Examined - Farquharson.

Jonathan King found the letters on you in my presence. They were found at 8.25 a.m. on a Thursday morning. I don't know who wrote those letters. They were found in the waist band you were wearing. I don't know who the inmate of you all was before you got there. The letters were not found in your cell but in your trousers, I have proof. I was present and saw the letters were taken from your waist band.

20

Cross Examined - Pinder.

Jonathan King found the letters - Exhibit F.P. & D.34. I have not seen Jonathan King on the outside. I did not see accused Farquharson write this letter. I cannot see if anyone else wrote the letter and then Farquharson put it in his trousers.

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No.24

NO. 24

George  
Baldacci

28th November 1971

EVIDENCE OF GEORGE BALDACC

28th November  
1971

George Baldacci - sworn.

Examination

Examined by Mr. Hilton.

I live Shirley Street, Nassau. I am employed with Moskos United Construction as an architect and designer. On 26th April, 1971 I went to Alexiou's home on the Eastern Road. While at the house I checked the plan of the house of the upstairs - that is the layout. After checking I drew a new plan. This was a plan of the upstairs. I produce the original of the plan that I drew. Exhibit F.P. & D.35. I also drew a plan of the ground floor - I produce it. Exhibit F.P. & D.36.

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In the Supreme Court

Prosecution Evidence

No.24

George Baldacci

Examination

28th November 1971

(continued)

NO. 25

EVIDENCE OF HELEN OLIVE CAPDEVILLE

Helen Olive Capdeville - sworn.

Examined Mr. Hilton.

No.25

Helen Olive Capdeville

Examination

I live at Fort Fincastle. I own a two storey building there. I used to rent the upstairs as furnished rooms but I have closed that business down. In April I was renting rooms and I closed in July. I rented one of those rooms to Mr. Kelly. I am not sure but it may be the one man on the left side of the dock. I am not positive that it is the man (Pinder) who gave his name as Kelly. I have not seen the man's face in the middle before in my life. I remember once going into the room when I thought it was empty. I saw three men lying across the bed. One of them held his head up and it was the man on the right (Darling). I think that this was on a Monday 18th April, they moved in on the 16th April. I did not see much of the man who took the room. I never heard anyone going in or out. I do not see them go or go out, but I always knew they were up because my room is right below. I could hear them.

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On 21st April I got up at 5 a.m. as is my custom. From 5 a.m. to 5.45 a.m. I listen to the spiritual service and at 5.45 a.m. when the Haitian

In the  
Supreme Court

Prosecution  
Evidence

No.25

Helen Olive  
Capdeville

Examination

28th November  
1971

(continued)

programme comes on I leave my bedroom and cross to the kitchen. To get to the kitchen from my bedroom I have to pass a hallway leading to the outside door. I go into kitchen, I boil a half cup of water and pour it over my coffee. As I did this on the 21st April I heard my front door open and I walked back to the hallway where I could see my front door. I saw a pair of legs going up my stairs and the legs had a gold coloured pair of pants on them.

Now as I stood I saw the shadow of a man outside the door and naturally I waited to see who it was. But the man who opened the door first stepped back and closed the door. For thirty seconds I stood there to see who was coming in and the door opened again and the man on the right side of the dock (Darling) came in. I still stood there because I don't let anyone go up stairs unless I knew who they were. The door opened again and this man (Darling) stepped in and looked me right in the face. He said good morning to me and I said good morning to him. I did not question this man because I had seen him up in Kelly's room before. I then went into my bedroom and I could hear them talking up there.

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Later that day Kelly (Pinder) came and paid me his rent. That would be somewhere between 12 noon and 1 p.m. as we were having lunch at that time. Kelly paid me \$20.00 - one ten dollar Bahamian note and one ten dollar Canadian note. This was for rent not due until the Saturday. I did not want to take the Canadian bill and I asked Kelly what I was expected to do with it. He told me that money is good and that I could spend it anywhere. I asked him where in the world he got a Canadian ten dollar bill from and he got real cross and said lady I told you I worked at night at Emerald Beach Hotel and that that was one of his tips that he got that last night. I did not say any more to him.

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On the 26th April 1971 quite a few police officers came to my home. I called the C.I.D. They came upstairs with me and searched the room of "Kelly". I gave the police the key. I had no objection to their searching. Police found a pair of pants that looked like the gold pants I had seen on the legs - I identify these in court Exhibit F.P. & D.24 which Hercules got from my ceiling. One of the police opened a cabinet and he took out a paper bag with a bottle of rum in it. I signed the paper bag

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it was in. It was Bacardi Rum - shewn the bottle - that resembles it Exhibit F.P. & D.27.

In the  
Supreme Court

Prosecution  
Evidence

No.25

Helen Olive  
Capdeville

Examination

28th November  
1971

(continued)

Cross Examined - Pinder.

Cross-  
examination

10 I don't know C.I.D. officer Hanlon - he may have been one of the officers in the house. No police told me to pick the man in the middle - no police spoke to me this morning. I was not sure when I heard the name Pinder but when you stood up I saw the face and the body and I knew that was the man who had rented my room.

20 When I rent a room to anyone I give that person a receipt. The man who came to rent the room came on the 16th April 1971. He came there in the afternoon - I did not think it necessary to look at the clock to see the time. I looked at that man and saw his face. I gave this man a key and a receipt. I looked at his face - you were the man who rented the room. Hanlon did not tell me to pick out 'Pinder'. This man told me he had a brother who would be moving in, in a few days. You are not that brother, you are the man who is supposed to have rented the room from me. Your girl friend told me your name was "Pinder". All she said was "Pinder". The girl was a Jamaican girl. The man himself told me he was from Eleuthera and a Bahamian. I did not say I saw Pinder wearing Exhibit F.P. & D.24. The police took the pants out of my ceiling.

Cross Examined - Farquharson.

30 I saw three men inside my house. I cannot identify you because I never saw your face. Well, I apologise, but they do look the trousers I saw found in



In the  
Supreme Court

Kelly's room. I have my house at Fort Fincastle.

Cross Examined - Darling.

Prosecution  
Evidence

No.25

Helen Olive  
Capdeville

Cross-  
examination

28th November  
1971

(continued)

I am positive I saw you on the 21st April. In my life I have seen you twice. You had dark pants on and a clean white shirt with short sleeves. I don't know the colour of the pants. I have seen you in Kelly's room before. I would say I saw you in Kelly's room on 17th April but I am not sure. The first I saw you - I cannot tell the clothes you were wearing. The second time the shirt looked white to me. You said good morning to me on the 21st April. I am positive I saw you I could not mistake you for anyone else. I saw that you pulled back - I cannot say why - but it got me curious. This man was standing at the back of the hallway - the man who said "good morning".

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No.26

NO. 26

Kathryn  
Klonaris

EVIDENCE OF KATHRYN KLONARIS

29th November 1971

Examination

Kathryn Klonaris - sworn.

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29th November  
1971

Examined by Mr. Hilton.

I live on the Eastern Road, Nassau. In the early morning of 21st April I was in my room sleeping. I retired to my room about 2.30 a.m.

I remember awakening by hearing my father's voice in the hallway saying - What do you want, what do you want - I came out of my room at that point and I saw my father and my mother struggling with a man, who was swinging a machete. I ran out to help my father and try to prevent him from being hit. The three of us were struggling - my father, my mother and myself - for a few minutes. I was pushed to the floor, I was bruised and I was cut on my left arm. While on the floor I saw another person in the doorway of my brother's room and I then heard two shots. Immediately I saw the man with the machete, the second man in the doorway of my brother's room and a third person run out. The man I saw at my

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brother's doorway was shorter than the man with the machete. I would say the shots came from the doorway of my brother's room. At this point in time I was on the floor. I saw the third man running out of my brother's bedroom into the hallway leading on to the patio. I cannot remember if this third man had anything. My father at this time was on the floor and my mother was holding on to her breast which was bleeding. Both my brother and I ran downstairs and tried to call the police, the ambulance and the doctors. As we were calling on the telephone, I heard a car pulling out I thought it was a small foreign car. I was cut on my left arm and bruised on my thigh. I recognise the prisoner Darling as one of the men in my house - he was swinging the machete. I was present at an identification parade on 24th April, 1971. At that identification parade I was not able to identify anybody.

Cross Examined - Darling.

I attended Preliminary Inquiry at the Magistrates Court. Yes, I made a statement to the police. I made that statement to Mr. Hercules. My mother when I came out of my room was trying to get the machete from the man who had it. I also tried to get it away from the man. Yes, I would say I was struggling with the man for four or five minutes. Yes, I told you that I had a good look at this man's face. I did not state at the Preliminary Inquiry that these men were disguised. I said while I was on the floor I heard the shots. I cannot remember all that I said word for word. I said in the Preliminary Inquiry "while struggling with him I heard two shots. They came from the room of my brother". I did not state in my examination in exactly these terms as I have just stated. I said the third person ran out of the room. In the Preliminary Inquiry I said three men ran out - if I did not say from where, I was probably not asked. My brother and I ran downstairs to call the doctor and the police. In the Preliminary Inquiry I said I ran downstairs. The men were not disguised - I saw three men. I can say for sure the man I saw in the face was not disguised. I did not have a look at the other two men's faces. Yes, I said the incident took place around 5 a.m. I said I did have a good look at the face of the man I was struggling with. When I saw the other two men they were both in the doorway one almost behind you. It was not told me to say now what I am saying. I said the two other men were in

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Evidence

No.26

Kathryn  
Klonaris

Examination

29th November  
1971

(continued)

Cross-  
examination

In the  
Supreme Court

Prosecution  
Evidence

No.26

Kathryn  
Klonaris

Cross-  
examination

29th November  
1971

(continued)

my brother's room. From the point where we were struggling to my brother's room - two feet (witness points out two feet). I would say the other men were three feet away from myself. I cannot say if those two other men were disguised or not. Yes, I was shewn photographs, I was shewn pictures and one of them was of you. They were not shewn to us together. I don't know when they were shewn to my brother. I was shewn these pictures in my in-law's house. I don't think I was asked this at the Preliminary Inquiry. I was informed by Inspector Hercules that there was to be an identification parade on the Saturday. I don't remember where it was that Inspector Hercules informed me. I don't think I was asked where I saw the photographs in the Preliminary Inquiry. At the C.I.D. office I was taken upstairs. I was taken into a room - yes. Yes, Inspector Hercules was there in the room. I was then taken into a larger room where I saw a number of men on a line. I do know Mr. Fields. I would think he was in charge of this identification parade. He said I was to identify persons that I had seen in my home that night, that is all that he said to me. I could not recognise anyone in the line.

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Yes I could recognise any of the men in that line, who had entered my home. I attended three parades. I could not remember seeing you in any of those parades. I did identify someone in the entire identification parade. I do not see the man in Court I picked out today. I do not know where this man is now. I am sure I did not pick out either Farquharson or Pinder at the parades. Of the three persons I saw, I only had a good look at one of them. The man I picked out at the identification parade I picked out because - "I don't know". I knew the purpose of the parade - to pick out those I saw. I picked out that person whom I thought was the man we struggled with. That man I picked out I do not know his name. I say you are the man now because when I saw you at the Preliminary Hearing, I recognised you as the man I had chosen from the photograph. I did not identify you at the parade. You must remember my circumstances. I was not instructed to do anything this morning. I chose your picture. I was scared at the parade. I was shewn an album of photographs. I picked out the man by mistake - I thought he was the man. I

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remember recognising you by photograph. I did not recognise you at the parade in the flesh. I don't remember the exact number of days after the identification parade and the Preliminary Inquiry when I there said I identified you. The Preliminary Inquiry took place in May. The identification parade took place in April. I would say the Preliminary Inquiry began about three weeks after the identification parade. Identification parade was on the third day after the incident in our house. I picked you out from the photographs - but not at the parade. As soon as I saw you at the Preliminary Inquiry I remembered the photographs I had seen of you and picked out. I think I gave Hercules a statement on 23rd April - I am sure of that date. I can remember the person I was struggling with was wearing something dark. I told the police this. If police did not write it down - that was not my fault. I could not give the description of what the other two men were wearing. I don't remember anything peculiar about those two men.

When my mother was shot I was on the floor. I did say I was struggling with the man when the shot was fired. If I had not been on the floor, I would have been shot. On the date I was shown the photographs there was another police officer present besides Hercules. I don't remember his name, I think I was told his name but I don't remember. After this incident occurred many police officers came to the scene. I would say four. I call many more than two. I can only remember that the man I was struggling with wore dark clothes. I would say his shirt was dark blue or black but not red or a bright colour. I said in the Preliminary Inquiry that the man struggling with my father was hitting him blows on his head and shoulder. I cannot say now that my father was cut. I think I said that in the former trial. I was not here when Dr. Read gave evidence. Dr. Poad and Dr. Esfakis came to my father's house. The doctor arrived before the police, I think so - yes I am sure. Dr. Poad arrived before Dr. Esfakis. I probably was not asked to speak about Dr. Esfakis so I may not have mentioned his name. Yes, Dr. Esfakis saw me at the hospital. I was at the hospital with my mother who had been shot. This was either Thursday or Friday - I cannot recollect. Those dates were the 22nd and 23rd April. I don't know the name of the man I picked out at the identification parade. I don't see him in Court today. I cannot give any reason why

In the  
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Evidence

No.26

Kathryn  
Klonaris

Cross-  
examination

29th November  
1971

(continued)

In the  
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Prosecution  
Evidence

No.26

Kathryn  
Klonaris

Cross-  
examination

29th November  
1971

(continued)

he is not in Court today. I picked the wrong man. I picked him out because I was scared. I don't remember that I ever said everything was "blur" at the parade. I was trying to do my best at the identification parade. The police did not tell me I picked out the wrong man. I know it is you. I recognised your photograph. I did not pick you out at the parade because I was scared. I did not want to see the man I was fighting with. Police did not tell me that the man that I had wrongly picked out had been let go. The man I picked out - I made a mistake. I don't know if my brother or his wife identified anyone at the parade. It would not be possible for me to recognise the man I wrongly picked out at the identification parade.

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I said at the identification parade my brother and his wife had picked out some one. I know they picked out some one now. I don't know how many persons my brother picked out. The shots I heard came from my brother's room. One of the men at the room was sideways and one was behind you partially. When I saw the two persons my mother and father were in the hallway. It was possible for my mother and father to see these two men. I can see your eyes from where I am but not their colour. Yes, I know my mother identified someone, yes. My mother identified the man with the machete. That man was you. I think my mother was shewn photographs at some time. My mother struggled with you for a longer period than I did. I recognised you at the Preliminary Inquiry - the Preliminary Inquiry was to give evidence of what happened in my house that night. I was called once to the Preliminary Inquiry I was there until I was called. It was more than one day - say a week. On one of those days I gave evidence. Yes, I saw you several times at the Preliminary Inquiry before I gave my evidence. I was not told by the police to pick you out. I asked you in the former trial how you knew my name. I don't remember if I said I saw your name in the Papers. I don't think I said I knew your name because you were representing yourself in Court. I knew why I was shewn photographs - to try and identify the people I saw in our house that night. The police officer did not tell me he was acting improperly at the time by shewing me the photographs. I can remember some of the faces of the police who came to our house after this incident. I don't see any of them in Court at this moment. I was not introduced to the police officers.

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I told you at the Preliminary Inquiry that there were eight people in our house that night. There were only three of us eight who were struggling with the intruders. I did not see the man we were struggling with in my brother's room. He was at the doorway. I did not see the 'shorter man's' face - to whom I referred to in my examination in chief. When I saw the 'shorter' man - he was on your right hand side - on the inside of the door. I saw the two men running out of my brother's bedroom on the balcony. When they reached the balcony, I was in the hallway. The man we were struggling with at the time was then at or in my brother's doorway. I was not asked all the things I have said.

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I heard a car pull off - I did not see this car. I know my mother and father had seen the intruders - and I imagine my brother and sister-in-law. No one else. I cannot say definitely that the man with the machete was holding my father with one hand. I don't remember. When my brother came out of the room the intruders had gone on to the balcony. My mother was in the hallway at this time. I told the police officer at the time of the identification parade that I was upset. He told me to try my best. In the circumstances I did. I was upset at the Preliminary Inquiry. I am still upset. When I am emotionally disturbed I can 'focus' properly. At the parade, I was emotionally upset, yes. I mean by "blur" I was upset and did not want to see the man who came to my house. We were not told to pick anybody. I never told the police to come and look for you.

Cross Examined - Pinder.

I live on Eastern Road. I was told by police that they were going to hold an identification parade at C.I.D. They did not ask me if I could positively identify any who had come to our house. I told them I would try to identify. I knew the purpose of the identification parade - to identify the persons who had been in our house. At your parade Fields said I should touch anyone who had been in my house that night. I pointed out a man - I don't remember where he was standing. I was awakened by my father's voice and my mother's. It is a mistake in the Preliminary Inquiry where it says I was awakened by my brother's voice. The man was swinging down to

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In the Supreme Court

Prosecution Evidence

No.26

Kathryn Klonaris

Cross-examination

29th November 1971

(continued)

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Supreme Court

Prosecution  
Evidence

No.26

Kathryn  
Klonaris

Cross-  
examination

29th November  
1971

(continued)

my father's head and shoulder. The blows were coming down in the direction of my father's head and shoulder. I was able to see what was going on in this hallway of ours. On the parade I did not identify Bernard Darling as being a man I saw at Alexiou's house on night of 21 April.

I am aware that the parade was held for me to pick out anyone I saw at the house. I made a mistake when I picked the other man out as being one of the intruders. I did not pick out Darling at the parade. I picked out this man because I was frightened and upset. I recognised Darling at the Preliminary Inquiry. I said something about picking Darling out by his picture. I was shewn the pictures on Thursday evening the 22nd April. The identification parade took place on Saturday morning, the 24th April. Two days after I picked out the picture of Darling, I failed to pick Darling out the parade because I was upset and afraid. I was upset when I picked out the other man on the parade you were on. I made a mistake picking out a different man. At that time I thought he was the man. I was not so upset twenty-seven days later at the Preliminary Inquiry - I was at the parade because of my father's death. I had a good enough look at the man with the machete. I couldn't pick the man I was struggling with at the parade. After struggling with the man I heard two shots. In my deposition there are the words that I said "while struggling with him, I heard shots." The shots came from my brother's room. Then I said I saw three persons running away. I was not in a position to see any man holding a door open. I remember police coming to our house on the morning the incident happened.

I did not say at the Preliminary Inquiry that the other two men wore masks so that I would not be able to identify them. I saw the two men just inside my brother's bedroom. These two men were standing behind Darling. These men, I said, were three feet away from me at the time. The light was in the hallway all the time of the struggling. I did not see the two men holding anything when I saw them. I did not see the gun. I heard the gun shots. Nor did I see anything in the hands of the other man. I did say in the Preliminary Inquiry that my brother was there picking out men at the C.I.D. I did say he did pick out somebody. I don't

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know the person whom he picked. I don't know any Anthony Butterfield. (picked by Emmanuel). I don't know the person whom Sandra Alexiou picked out on the parade you were on. If she picked out Alston Rolle, I do not see that man in Court today. When I said "blur" I mean everything looks the same. I can focus properly, when emotionally disturbed - depending how much I am upset. Before I went on parade I did not tell the police officer I was 'blurred'. I picked out the man I thought. It was not right of me to pick out the wrong man.

In the  
Supreme Court

Prosecution  
Evidence

No.26

Kathryn  
Klonaris

Cross Examined - Farquharson.

Cross-  
examination

29th November  
1971

(continued)

I live on the Eastern Road - east that is. The intruders entered my house approximately at 5 a.m. it was daybreak. I was awakened by my father's voice approximately at 5 a.m. I came out of the room when I heard his voice, to a hallway. I saw a man struggling with my father and mother. This man had a machete. The man with the machete was about two feet from me (witness points out two feet on the Court desk). I had a good enough look at this man with the machete. There was a light on in the hallway. I did not say at the Preliminary Inquiry that the two men were disguised - I don't know if they were. Yes, I saw two other persons besides Darling. I don't know if they were disguised. Yes, I was at identification parade of C.I.D. I was told the purpose of the parade - to identify the three men at the house when my father was killed. I picked out one person at the parade. He is not in Court today. I don't know why the person I picked out is not on trial today. Police did not tell me to pick out that man. I picked out the wrong man. At the Preliminary hearing I realised I had picked out the wrong man. I was at C.I.D. office when identification parade was being held. I was taken to a room. Mr. Hercules was in the building. I don't remember if he was in the room. I was not shown some photos then but two days before. I could not see one of the photographs of you among those shewn to me. I don't remember seeing any photograph of you. The photographs were shewn to me in my in-laws home. I saw two men behind the man with the machete - yes.

I did not have a good look at these two men. I had a good look at the man with the machete. He was not disguised. The man with the machete is the accused Darling. I did not pick that man out at the



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Supreme Court

identification parade. What police do is not my  
business.

Prosecution  
Evidence

No.26

Kathryn  
Klonaris

Cross-  
examination

29th November  
1971

(continued)

Re-  
examination

Re-examined

I never saw Alston Rolle. I was not present  
when my relatives picked out anybody. The shirt  
you had had stripes on it.

CLOSE OF CASE BY PROSECUTION

Each accused is advised of his rights under  
Section 167 of the Criminal Procedure Code.

Defence  
Evidence

NO. 27

10

No.27

EVIDENCE OF PHILIP FARQUHARSON

Philip  
Farquharson

Philip Farquharson - electing to give sworn  
evidence is sworn and states as follows:

Examination

I know not what course others may take but as for  
me give me liberty and justice. My name as you know  
is Philip Farquharson. I am 22 years of age - a young  
man, who has not started life yet. I am an artist - a  
musician - tile maker - bar tender and a repair man -  
of fridges, washing machines, stove, et cetera. I  
have no need for stealing.

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30th November  
1971

On the 22nd April of this year I was asked to go  
to the C.I.D. office, without any fear - I had done  
nothing. I went. On arrival there, I was put into a  
room where several C.I.D. men were including Mr.  
Fields. When I got in this room, I asked Mr. Fields  
what the purpose was for my being there. I asked

this because I know I did nothing and I had no criminal record. Mr. Fields told me I must give an account where I was on the night of the 20th April. Yes, I did. After this, I was took down and put in cell at Central Police Station. On the morning of the 24th April, Mr. Fields and other officers came to the cell where I was, and told me they were having an identification parade and if I had any objections. I said I had none.

In the  
Supreme Court

Defence  
Evidence

No.27

10 He told me the complainants were here and they would be able to identify the person or persons they saw in the house on the night of the 21st.

Philip  
Farquharson

Examination

I was took upstairs and placed on parade. There were three witnesses Emmanuel Alexiou, Sandra Alexiou, Kathryn Klonaris. They came to the parade one by one - one after the other and I was never picked out.

30th November  
1971

(continued)

20 After this I was took to the Princess Margaret Hospital, Nassau, where another identification parade was made. On arrival there Mrs. Ypapanti Alexiou's room was open and I saw with my two eyes Mr. Crawley and Mr. Hercules in Mrs. Alexiou's room, shewing her photographs of the two accused Pinder and Darling. I was placed on this parade and I was never picked out. If I had a criminal record and a picture as the two accused, I would have been picked out too because they would have shewn my picture also.

30 Mr. Chase who claims himself to be a fingerprint expert and Mr. Hercules former Inspector after they see that these complainants Alexiou family didn't pick me out they get together and say they find my fingerprint and I give statement.

40 I would explain my movements on the night of the 20th April. On the night of the 20th April my girl friend and I was at home at my mother's house and we decided to go to the movies. I left home after 7p.m. - reached movies at 8 p.m. - stayed there until it finished at 11 p.m. From there, I went back home to my mama's house and I stayed there for the rest of the night. This incident said to have been committed around 5 o'clock, and at that time I in bed, and very lovable. I had no time to waste. Me personal, I knows nothing about this crime - me personal was not involved in this crime.

Cross Examined - Pinder.

Cross-  
examination

You and I were not together when this incident occurred. We have not been together any night. You and I have no intimate relationship - nor share views

In the  
Supreme Court

Defence  
Evidence

No.27

Philip  
Farquharson

Cross-  
examination

30th November  
1971

(continued)

together. You have never asked me to go anywhere with you at any time. You have never asked me to go steal with you because I only knew you in April. When I see you I never see you in any company. Before this trouble you and me were not friends. On the 20th when this incident occurred you and me were not together. You have never asked me to be your friend. You and I have nothing in common. You and me did not travel together. You and I were never together stealing cars. You and me were never together at anyone's home. You have never asked me to commit an offence. I am positive of this.

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Cross Examined - Darling.

My name is Philip Farquharson. I gave an account of where I was when this incident occurred. I and my girl friend were at the movies - I am sure of that.

I left the movies at 11 p.m. I returned then back home. I never left home again that night. The next day I left home around 2 p.m. and that was on the Wednesday the 21st April. I heard police officers say we came out of the bushes the three of us on the 20th April but I know nothing about that.

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On the morning of the 20th April I was at home. I was not with Alexander Pinder on the morning of the 20th. On 22nd April I was brought to C.I.D. office.

I was placed in a room. I was told why I was there. I was told I was a suspect - I am sure they did not tell me why. I asked them why and they said I was suspected of shooting Alexiou breaking in - burglary. They did not tell me why I was suspected of doing these things. I can tell exactly the time when I was picked up. This was at 10 p.m. When I was picked up I was buying a chicken at Father Allen - in East Street. Alexander Pinder was not with me at that time but my girl friend.

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You were not along with me at that time.

I know nothing about any cars being stolen.

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Neither Pinder nor myself were riding in any of these cars.

I have heard Inspector Hercules say I made a voluntary statement admitting these charges. While at C.I.D. I was not beaten up by any policeman - nor given any promises - to make a confession. I did not make a confession.

In the  
Supreme Court

Defence  
Evidence

No.27

Philip  
Farquharson

Cross-  
examination

30th November  
1971

(continued)

I see a reason why police should say I made a confession. They did that because I was never picked out. Another reason is that police do not like me. I mean some in particular. I mean Superintendent  
10 Fields and Mr. Hercules. They do not like me for where I live off East Street - that is McCollough Corner. That is the only reason I know. There could be some more.

It is correct I told you that I have no criminal record.

Before I was charged with these offences, police never had finger prints of mine nor a photograph.

At the hospital I met Mrs. Alexiou with her room door open. I also said Mr. Hercules and Mr. Crawley were in this lady's room at this time. You and Pinder were not in the vicinity of this lady's room at the time. I saw Hercules and Crawley showing pictures of you both to Mrs. Alexiou. This was before I was placed on parade. I saw Hercules with your picture and Pinder's picture showing them to Mrs. Alexiou. At this time Mrs. Alexiou was sitting in her room in a wheel chair. I am sure I saw this. If police had had photographs of me - I would have been picked out also.  
20

A photograph was taken of me at the Fox Hill Prison on 28th April, about 4 p.m. in 1971. It was taken after the identification parade. At the parade at Princess Margaret Hospital I saw some one being picked out - two persons. I don't know their names. They are not here now. Mr. Alexiou picked these two out. These persons were not you or Pinder. There were identification parades at C.I.D. office. Whilst I was on these parades no one was picked out.  
30

On night of 20th April Pinder and I were not together.

Nor were you and I together. The police have charged us three together because they don't like me and they don't like Bernard Darling and also the accused Pinder and because you have a criminal record  
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In the  
Supreme Court

and because Pinder has one. That is all.

Cross Examined by Mr. Hilton.

Defence  
Evidence

No.27

Philip  
Farquharson

I live off East Street and because of that the police don't like me. That is one of the reasons I have been charged with these offences. Those whom the police don't like could easily be charged. I know Hercules and Fields don't like me - they tell me this.

Cross-  
examination

30th November  
1971

(continued)

I first knew Hercules a couple of months before today. I knew Hercules in April. That was not the first time I knew him - I mean a couple of months before April. I was in East Street when Hercules told me he didn't like me. I was in Father Allen's when he told me this. I myself was doing nothing at the time.

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I knew Fields before I knew Hercules. He told me he didn't like me - I was not doing anything wrong at this particular time. I heard Sgt. Moss give evidence. I don't know if Sgt. Moss knew me from a baby - I say I have known him for a couple of years.

20

I don't keep friends, only woman friends. He has not told me nor shown to me that he does not like me. It was he who took me to the places where the cars had been moved - I did not take him. I never took Sgt. Moss to a place where a gun was supposed to have been buried. I never accompanied any group that went to look for a gun nor digging for a gun. I heard Fields say that. That is not true.

30

Sgt. Moss had instructions to take me to the places he did from Fields, and he did, otherwise he would have lost his job. That is what I believe. If he had no instructions, I don't know that he would have said this. I remember Sgt. Moss coming into my house and getting the clothes I wore on the night of the 20th or 21st April.

It is correct that he was speaking the truth about the search in the house - but not the truth that I took him places. He took the clothes I was wearing.

40

I heard the evidence of Inspector Hercules. I

never had no talk at all with Inspector Hercules. He did not speak to me. He did not ask me any questions. I heard him say he was the officer in charge of the investigations - but I still maintain he did not question me.

I was at the movies with my girl friend on 20th April at 8 p.m. until 11 p.m. I never told Hercules that I was at the Cinema with a girl and I don't know how he would know this.

10 Mr. Fields told me I was suspected. I asked him what was the reason for my being there. I never told him anything after that. Only Mr. Fields questioned me. He told me to give an account where I was on the 20th April and I gave him an account. I told him that me and my girl friend had been to the movies on the night of the 20th. A lot of officers were present when I said this but I did not see Hercules there. I never saw Hercules at C.I.D. around 10 p.m. I never told any police officer that  
20 night anything about Darling or Pinder. I never knew Darling or Pinder before that night. Pinder and I had never been together in company together before that night. I don't remember photographs being put in of Pinder and myself. Shewn Exhibit 28 - I see a picture among them. I get pictures from Jamaica and I have never been there. I cannot say if it was found there - my picture was in Pinder's room.

30 I remember Hercules saying that I said I wanted to see him privately in a small room. I heard what he said I knew I was getting into trouble but I was telling the truth. I heard him say I made and signed a statement under caution. He never showed me any statement, I saw it for the first time in this Court last week. I never saw it at the last trial. I never saw it in the Magistrates Court at the Preliminary Investigation. I have the deposition taken in the Magistrates trial. I was shown the statement before the Magistrate, I don't remember. It is written in the deposition of Hercules before  
40 the Magistrate that I acknowledged my signature on my statement - I agree. I did not hear Hercules say in evidence that I acknowledged my signature at the Preliminary Inquiry to my statement. I have not signed any statement. It is a mistake if the Magistrate recorded that I signed my statement. I never give no statement. At the foot of the statement shewn to me - I see the writing and the name

In the  
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Defence  
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No.27

Philip  
Farquharson

Cross-  
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(continued)

In the  
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Evidence

No.27

Philip  
Farquharson

Cross-  
examination

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1971

(continued)

Philip Farquharson. I did not write anything - and I gave no statement. I said I heard Hercules speak about Darling. I was not with Darling on the night of the 20th April. I was not in Lewis Street on the night of 20th April. I was not smoking herbs or marijuana on that night. I never saw my statement before going into the Magistrates Court. I don't know where Hercules got the facts that are recorded in this statement. I heard Alexiou saying the three intruders went out of the door. I don't know who took me to the hospital, except by C.I.D. officers. I went to the hospital separately. I did not see either Darling or Pinder at the hospital that morning. I was taken straight to the parade.

10

I had to pass her room before I got to the parade. I passed her room going to the parade and after the parade. When I was going into the parade I saw Hercules and Crawley in Mrs. Alexiou's room. I looked inside Mrs. Alexiou's room when I was passing. I don't know if there was a policeman at her room. I don't know who escorted me. Mr. Crawley and Mr. Hercules were 12 or 13 feet away from me. I saw the police officers shewing Mrs. Alexiou photographs. Mrs. Alexiou and Hercules were facing each other. The photographs were in Hercules' hands and he was facing Mrs. Alexiou. I don't know if he shewed Mrs. Alexiou one of the photographs at a time, yes when I passed he was shewing Mrs. Alexiou one photograph at a time when I passed. I don't know how long he let Mrs. Alexiou see each of the accused's picture. He showed Darling picture first. Pinder's photograph was in Hercules' hand when he shewed Darling photograph. I looked at Hercules and Alexiou side on. I could see the photographs. The photographs were four inches - there was an album with a brown outfit - or holder. I don't know when the photographs got into Mrs. Alexiou's hand.

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Shewn Exhibit F.P. & D. 33 - nil D.1 & D.2 - that shews the approximate size of the photographs Hercules had. I don't know the purpose Hercules shewed the photos to Mrs. Alexiou - but he did just before the identification parade. I went on to the identification parade. Mr. Crawley came out of the room then. After the pictures were shewn to Mrs. Alexiou my parade followed I was not in Darling's parade nor Pinder's parade. I don't know if my

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parade was after these two accused persons were on parade.

In the  
Supreme Court

On the parade I was on Mrs Alexiou picked out one person. Mrs. Alexiou picked out three men - one at my parade and Darling and Pinder at the others. That is what the C.I.D. said. The police and Mrs. Alexiou hid the fact that one person was picked out of my parade. I don't know if Mrs. Alexiou saw me when I passed by her room. I just saw the two photographs held by Mr. Hercules, in Mrs. Alexiou's room.

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10

Philip  
Farquharson

If I pass a room - with police in it - I could see - I would pass by in three seconds - I don't know how many seconds I took to pass the door, where Mrs. Alexiou was.

Cross-  
examination

30th November  
1971

(continued)

Police had no fingerprints of me before I was charged. I heard when a person is charged with a serious offence prints and photographs are taken. I don't know. I couldn't object to a photograph being taken by police in prison. Police got no fingerprints from me. No photograph was taken of me days before the 28th. I was charged on the 24th April. I have not seen any fingerprint form. I don't know nothing about no fingerprints being taken of me - Mr. Prosecutor. No one took my fingerprints - no time - Mr. Prosecutor. I don't know if they should have done so. I was home with my girl friend at home on the 21st April. I have no need to steal. I was in no Austin car taken from Market Street. If Sgt. Moss says so, that is what he says. I have done him nothing. I deny that I was in company with the others at Blue Hill. I live at McCollough Corner. I have never been in company with Mr. Darling before. I keep woman companion - a girl friend called? I never told the police I was with a girl called Butt. I only speak to Mr. Fields. I mentioned my girl friend Christine Rolle.

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I heard King say about letters found in the waist band of my trousers. They were not in my waist band - but in the cell, to which I had just moved into.

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Yes I am sometimes called "Smooth". The corporal could probably have written the word "Smooth's" on those letters. I was never at the Zulu Club on the night - but at the movies with my girl friend.



In the  
Supreme Court

Defence  
Evidence

No.27

Philip  
Farquharson

Cross-  
examination

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1971

(continued)

Shewn letters exhibited in Court - I see them. The letters were not found in my waist band. I don't know the address of Loretha Martin. I cannot shoot 'pool' and I did not write that letter. The handwriting is not similar to mine. I signed neither of the two letters. Mr. King is lying when he said he found them in my waist band.

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NO.28

No.28

EVIDENCE OF ALEXANDER PINDER

Alexander  
Pinder

Alexander Pinder - elects to give sworn evidence - says in evidence:

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Examination

My name is Alexander Pinder. Within the period of ten months I was conceived by my mother in 1952.

On April the 23rd I was picked up. I was picked up by Mr. Bullard.

He called me over to his car and he asked me if I would like to go with him to C.I.D. I asked him what I was going for. He told me they are going to hold an identification parade at C.I.D. and he said if I was not picked out I would be released. He said because three people are coming to identify the person or persons whom they had seen in their homes on the night of the 21st. He told me I didn't have to go now but they will pick me up anyhow, because they are picking up people to put on a parade. So I went up there without any resistance. If I wanted to run, I could because he was alone. After going to C.I.D. I was placed in a cell where I was told that the identification parade would take place on the 24th which was the next day.

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On the next day, I was placed on a parade, where a man, whom I have never seen before in my life came on the parade to identify the person or persons whom they had seen in their home. This parade was conducted by Mr. Fields. This witness Emmanuel Alexiou was told by Mr. Fields - these are the words he said - he said Mr. Alexiou, this is an identification parade and you are to point out the person or persons you had seen in your home on the night your father was killed. On this parade Mr. Emmanuel Alexiou pointed to Anthony Butterfield as one of the persons he had seen in his home - on the night of the 21st. After this parade this witness Emmanuel was sent downstairs. After this Mrs. Kathryn Klonaris was brought in. She was told by Mr. Fields - Mrs. Klonaris, this is the parade and you are to pick the person or persons that you have seen in your house on the night of the 21st April. She pointed on the parade I was on to Clarence Rolle as being one of the persons, whom she had seen in her home on the night of the 21st. This parade was ended. The other witness, Mrs. Sandra Alexiou, was told by Mr. Fields - you are to pick the person or persons you have seen in your home on the night of the 21st. She then walked to a fellow by the name of Alston Rolle.

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Evidence

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Alexander  
Pinder

Examination

30th November  
1971

(continued)

After this I was taken downstairs by Mr. Fields - I was placed into a cell, different to any of the cells that the other men were in. I was by myself. The next day which was the 24th - Mr. Hercules came to me and told me I had been seen or he hear - with a known housebreaker and that he is going to charge me. And he said Bernard Darling is the known housebreaker, and he don't care if I committed the offence or not.

At this stage I asked him why he was charging me - he said to me - I have three children to live for and they are the only people I care about. And he said that three people had committed the offence, and since I was seen talking to a known housebreaker, he can charge me.

So at this stage I told him I am a servant of the true and living God, who I started serving from 1969. So he told me there is no God and Bahamian people have no sense and for my hard mouth he would see that I was picked out at this parade at the hospital. This was the morning of the 24th April.

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Pinder

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(continued)

At the time of the identification parade at the hospital was going to take place, while I come out the car and walked up the steps, I saw Mr. Crawley and Mr. Hercules in Mrs. Ypapanti Alexiou's room.

At this stage, he made a funny look at me, and from his emphasis, I came to my conclusion that what he told me when he said he was going to make the lady pick me out - he had a funny look in his face and he had my picture in an album record and he had Bernard Darling's picture. These two pictures were the only pictures that he had. After this, Mrs. Alexiou was brought out of her room pushed by a nurse. She looked at the parade - I was second on the parade and she passed me, - looking at the third man at the time on the parade. Then Mr. Hercules made a cough. At this stage she looked at me furious and "yanked" on my shirt.

10

Knowing that I did not know anything about the matter and I saw the lady and I know she was only being told to do something that she did not want to do and that she was not doing it of her free will. At this stage, I looked at Mrs. Alexiou and said - "Me Miss". You know I did not break in your house." She herself according to the look in her eyes. I know that she was sorry for what she had done picking me out. But she was only doing, what she was instructed to do by Mr. Hercules. At this stage, I was taken from Princess Margaret Hospital in a rough manner.

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After reaching the C.I.D., Mr. Hercules and an officer called Hanlon asked me what colour clothes I had on, on 21st April. I told him that I had on a yellow pants and a "T" shirt. Hercules at this stage told me that he wanted to look for a gun, at the old lady's house.

I took him there, because I know I never had a gun in my life so when he reached there, to my house, he asked me to collect my clothing. I gave them to him. He told me that he was going to ask the people if these are the clothes one of the intruders wore.

40

I accepted this and gave them my clothing. There was a picture of me and a passport picture -

about 6" x 4". After this, I was taken back to C.I.D. When Mr. Hercules asked me if I can give him an account or if I have any thing to say where I was on the 21st I took him to Fort Fincastle, where one of my friends who I met in Bible class lives.

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Evidence

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Examination

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1971

(continued)

I only knew this fellow for about one month. After I got there, his girl friend who was a Jamaican told Mr. Hercules that I was there about 9 p.m. and that I left. He then asked me if I had anyone else to substantiate where I was on the night of the 21st. I told him where I was. I told him that I went around to my girl friend's house around 11 p.m. I asked my girl friend, if she had a Bible. She loaned me this Bible - I read this Bible, for about one hour. The portion that I read to her was the words of Solomon, "Oh, oh you daughter of Jerusalem to the tents of Kedah. Do not look on me because I am black - because I am appointed the keeper of the vine yard and even though the vine yard is mine. But oh love you - oh you daughter of Jerusalem". Then after this I explained to her that Solomon was a black man and Jesus Christ was a black man and Abraham was a black man and all of the prophets of old dealing with the Jews were persecuted wrongfully because they knew the truth.

Then I told her something - a story about the Book of Tobit, which I had used by heart and I showed her a special thing what cured Tobit - when he was blind. Then after this, she asked me if I would like for her to turn on the radio. She turned on the radio - and she enjoyed the music and we solaced and we had intimate relationship. At 5 a.m. I told her I was sleepy and so I went to sleep. I never awoke until the next morning.

I am sure since 1969 I had been rehabilitating myself. I knew that I had been in trouble twice and I almost suffered a heart attack and I knew what solitary confinement was like and I could not take the pressure any more so I said to myself - "Gaol is not for me". So I started taking Bible classes - and learning the truth and in the Bible, I studied the Ten Commandments where it says - "Thou shall not kill" and I fully understood what it meant so I stay out of company and not allow myself to get in trouble.

From the time I knew myself, I regard all life

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Alexander  
Pinder

Examination

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1971

(continued)

to be precious, whether animal or human being. I am positive that I would not take a life or indulge myself with any wicked man. If I see anybody - I know I practise to be a socialist and I socialize with anybody, whether black or white, and I am not racial nor prejudiced.

Mr. Hercules on the 24th after the identification parade - told me that "don't care - I can prove him to be what he is a liar" - but he said he did not want me to be at liberty, and I am a young who had been trouble before and people, who have been in trouble before don't care what they say, whether they are speaking the truth or not. He would do anything he wanted to.

10

After the identification parade at the hospital, I was taken into a cell at the C.I.D. After being taken into the cell Mr. Moss came to me and told me there was a print found on the peoples' home and he noticed that I had a pair of tennis. He asked me when I last wore those tennis. I told him that I wore my tennis all the time. He said to me - we hear that you and the accused Philip Farquharson and Bernard Darling were seen together, on the morning of the 20th and for this reason, I am going to take your tennis and send them to England, because we know Bernard. He is a house-breaker and since you were seen with him and you have on a pair of tennis, the tennis made those prints. You do not have to say if you know anything about this but we have your tennis and we are sure that these tennis made those prints which were found on Alexiou's house.

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As you all know there have been a number of cars already stolen and all of the witnesses for the prosecution have distinctively said that they have never seen me in any stolen car. There have been certain things reported stolen from the Alexiou people.

Cross-  
examination

Cross Examined - Farquharson.

I see you but I am not familiar with you but I have had no intimate conversation with you. I remember 20th April of this year. I know nothing about our being seen together on the night of the 20th 21st April, 1971. You and I never go out together.

40

Nor do we ride together. It is true that I and my girl friend were together on the night of the 20th and 21st April. I never saw you on the night of the 20th. You were not with me when I was picked up by Mr. Bullard.

On the day of the 21st April I did not see you.

Cross Examined - Darling.

My name is Alexander Pinder. Criminal Department have these offences against me -  
 10 I know that. I have heard that I was supposed to have made a voluntary statement - in connection with the death of Mr. Alexiou. I did not make such statement - to Moss and Hercules.

The reason for them saying that I made this statement is because Mr. Hercules himself had told me previously that because he heard that I and Bernard and Farquharson had been seen together on the 20th and he said because you were a known house-breaker and because I was seen with you and three  
 20 persons have committed this offence and knowing that you were a housebreaker, he was going to charge me. That is exactly what Inspector Hercules told me. This was on the 23rd of April, 1971.

I never saw you on the 22nd April. You were not there when I was arrested. The accused Philip Farquharson was not with me at the time. When I reached C.I.D. on 23rd April - I never saw you or the accused Philip Farquharson.

I saw you on the 24th April, when the police  
 30 took us to Criminal Records Office in East Street - to take pictures - I am not sure if it was the 24th. You and the other accused Farquharson were in different cells, when my tennis was taken from me. Yes I would say it was possible for you to hear all that we were discussing. It would have been possible for Farquharson to have overheard the conversation because Darling was on the left and I was on the right hand side. The two doors of these cells were facing me. I would say you were only about three  
 40 or four feet distance from me at the time.

Mr. Moss said he was going to take my tennis to England for examination. To my knowledge these tennis shoes were not sent to England. Dealing with

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Alexander  
 Pinder

Cross-  
 examination

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(continued)

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Evidence

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Cross-  
examination

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1971  
(continued)

20th and 21st April - I have heard Mr. Fields and Mr. Hercules say at one time that we three accused had been seen on the 20th - out of the bushes at 5 a.m. on 20th April. At that particular time I was with my girl friend. I am positive of this. We could not, therefore, have been seen on the 20th April.

I have heard all these witnesses say the incident took place between 4.00 and 5.00 a.m. on the 21st April. Yes, I was then with my girl friend. Yes, me and my girl friend are very very close. My girl friend lives on St. James Road.

10

Certain police officers - including Hercules and Hanlon went to my mother's home and searched for a gun. They asked me what clothes I was wearing and I did tell them. I gave them this clothing yellow pants and a "T" shirt. They were in this Court the last time I saw them but I do not know where they are now.

I live with my mother - and I go to my girl friend. I visit her occasionally. I am very sure that my girl friend was with me on the night of the 20th/21st April.

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I heard the police officer saying I had made a statement that I had broken in to the Alexiou's house - but I did not make that statement.

I heard Mr. Fields say Farquharson had dug for a gun. But I did not do such thing. I was not taken to the place where the police said, we had dug for a gun. I attended three identification parades at C.I.D. office.

30

Fields conducted these parades. I have known Mr. Fields for two years. I am positive he conducted the identification parade. He explained the purpose. He had an album on his desk - facing the parade - the album had photographs on the desk.

Mr. Fields was standing with the first witness called in. I am positive of the words Mr. Fields used. Three witnesses had come in to inspect the identification parade. I Alexander Pinder was never identified by any of these witnesses. I said these three witnesses had picked out three persons in the parade that I was on.

40

The accused Farquharson was not picked out. Nor were you. I am positive of this.

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After I got to Princess Margaret Hospital, I was taken upstairs. It was around 12 noon that I was taken to the identification parade. After getting to the hospital I did say I saw Mr. Hercules and Mr. Crawley in Mrs. Ypapanti Alexiou's room. Mr. Hercules had my photograph and yours at that time in Mrs. Alexiou's room. I saw them with my photograph. I am positive. The room was about three feet away and so close to the parade so that I could see what took place in her room.

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Alexander  
Pinder

Cross-  
examination

I can see from where I stand the Prosecutor's note book. I can see writing on this page and a staple to hold down the book.

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(continued)

Hercules had yours and my photograph in the room, of Mrs. Alexiou. Hercules told me that he was going to see that I was picked out by the old lady - this was told me downstairs by the Central Station. Anyone in any of the cells close by could have heard what Hercules said. I did not see Hercules with any other photographs than yours and mine. I saw no photograph of Farquharson. Hercules said what he said because he told me he had heard I was seen with a known housebreaker. He told me he was going to see me hang with you. I did not mention this yesterday because I had forgotten. I was not misbehaving at the time of the Preliminary Inquiry. Farquharson was present at the Preliminary Inquiry - so were you. I did ask the Magistrate to let me call my witnesses. He told me he had no time and I must not say anything. You and Farquharson could have heard this.

I was never in any stolen car at any time. I was never up in Alexiou's house area on the morning of 21st April - I do not even know where they live.

I am sometimes called "Shine". I heard Farquharson's statement read out in Court. I did not shoot the man nor do I know the man. I was nowhere around at the time of these offences and I knew nothing about them.

Looking at it from my standpoint of view and knowing that me and Farquharson or any of the two men accused along with me - they could not have made such



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Supreme Court

statement. I know that me and none of you men were together in this incident which occurred. It is possible that anyone could make a statement implicating anybody.

Defence  
Evidence

No.28

I never saw you on the night of the 20th April. I never drove a car on that night. I was not with Farquharson on the night of the 20th April - nor on the day of the 21st. You and I were not together on 21st April.

Alexander  
Pinder

Cross-  
examination

Note: Before cross examination by Solicitor General I asked the Jury if they had considered and if they wished to visit the Alexiou's house or not, following a request by the accused yesterday.

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30th November  
1971

(continued)

By the foreman: We have thought it over and we wish to visit the locus in quo".

Court: Very well. We will go at this stage.

The Jury in the presence of the three accused, Farquharson, Pinder and Darling and in the presence of the Court inspected the house of Anthony Alexiou. No evidence was taken.

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Cross Examined by Mr. Hilton.

I was born in Nassau, Bahamas. I was not a first born child. I was never interviewed by Mr. Hercules. He spoke to me but not anything concerning these people's house. He only told me what he was going to do. Bullard told me that they are picking up men who had been in trouble before - to put on the parade. If I do not want to go now - I can go later. Bullard did not tell me that he wanted me for questioning about the murder. I did say I had no objection to going because I know I did not know anything about it.

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Me and Barry Thompson is no way and we had no such conversation and I do not speak to him. I am not a friend of Barry Thompson. I never said he was involved.

It was around 12 noon when I was picked up. I was never shown any statement by any police officer - only except at the prison, where I was told to take deposition and other things for my defence.

40

I heard Hercules say I made a statement and it was only signed by Gittens. I never signed any statement. When I got to the police station I was placed in a cell - there are many cells - I never saw Darling or Farquharson on the day I was picked up. I have heard Farquharson made a statement. It was impossible for him to have said such things in his statement because me and Farquharson never had any foul plots. We had no plots together at all.

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Defence  
Evidence

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Alexander  
Pinder

Cross-  
examination

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(continued)

10

I see Farquharson around but I have had no conversation with him. I never knew Farquharson by any nick name - only since we were sent to prison do I hear him called "Smooth". Farquharson has never called me "Shine". Various people call me Shine - not necessity by people who are intimate with me. Not to my knowledge do the Police call me "Shine". There are many people whom I know by the name of "Shine".

20

My picture was taken from my house and that is where it was found. I saw this because I saw police take it from my drawer. I never said my picture was in my pants pocket yesterday. My passport - the picture and another picture a little bit larger were taken from my drawer. The same man who told me he is going to see that I be picked out by Mrs. Alexiou took my passport and pictures and my yellow pants and my "T" shirt.

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I have never been to Mrs. Capdeville's house in Fort Fincastle before this. I never was allowed to go into the room because the Jamaican fellow told me that the landlady does not appreciate visitors. I only talked with the Jamaican man in Mrs. Capdeville's yard. I do not know where the room is situated in Mrs. Capdeville's house. The Jamaican man told Mrs. Capdeville that I was his brother and that was the only reason why I could go into the yard. But he is not my brother. I remember Mrs. Capdeville saying she saw a pair of legs - dressed in "golden coloured trousers". On the night of the 20th I was wearing "yellow pants". I remember Mrs. Capdeville saying that I gave her \$20.00 rent in Bahamian and Canadian \$10.00 notes.

40

I have never worked at the Emerald Beach Hotel. I never told the lady anything. I have seen Mrs. Capdeville at the time the C.I.D. Mr. Hercules asked me where I was and so I told him - that I was there

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Defence  
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No.28

Alexander  
Pinder

Cross-  
examination

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(continued)

for a little time talking with this Jamaican fellow. Mr. Hercules asked me where I had been. I only said I had been in her yard on the 20th April - this was a little after 9 p.m. I and my "spirit" were in Mrs. Capdeville's house. Mr. Hercules never said to my knowledge anything about being with Darling at any time. I went to the yard of Mrs. Capdeville because I study my Bible and I went to share knowledge. I share "knowledge" with this Jamaican chap in Bible class - I do not know how many times. I have never seen or known Mrs. Capdeville before the 20th April. Yes, I went to Mrs. Capdeville's house with police on 23rd or 24th April - I am not sure. I saw the police find nothing at the time I was there, because Kelly was not there.

10

I was never introduced by Kelly to his girl friend. I have many girl friends. The one I was with on 20th - was Shirley Basden. I go to many girl friends very often.

20

I was at identification parade on 24th April - Farquharson and Darling were not there when I was placed on the parade. I said I saw Mr. Fields with an album at the parade, this was on the desk. The "album" was closed.

Mr. Hercules came now and then downstairs and went back upstairs with the people whom they saw in their house. To be exact four persons were picked out on the parade - one who had never been mentioned in the deposition.

30

Correct I was on one parade at C.I.D. - there were three different people picking out the people they saw in their home. One parade was viewed three times by three different people.

I never knew the man's name who was picked the man was picked out at the first parade. Two at the second parade and one in the third parade.

Emmanuel Alexiou picked out the two men. I can only tell what I see. I was told after the identification parade - after I was not picked out - Hercules then told me that he was going to see that I was picked out by the old lady.

40

When the parade was over - I do not remember

going down the stairs until the three cars were brought. I went to the hospital after the parade. He told me this in the cell. I do not remember everything but he told me this that he was going to see the old lady pick me out, in the cell.

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I do not know who took me to the hospital. I went through the back door of the hospital. I went separately from Darling and Farquharson. I went upstairs in the hospital to where the parade was held. I saw Mr. Crawley giving orders but I do not know who carried out the parade. I met police officers. I was escorted as far as the steps. I could see everything that went on in Mrs. Alexiou's room.

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Alexander  
Pinder

Cross-  
examination

When I was released on the parade and standing in my position then I could see what happened in Mrs. Alexiou's room. At the time I saw Hercules showing my picture and he had another one in his hand and he laughed. I could see him Hercules showing my picture - but Mrs. Alexiou's door was a small one and what others could see I do not know.

20

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(continued)

Mr. Crawley stayed in Mrs. Alexiou's room - not long after - then a nurse brought the lady out and the two police were at her side. So far as I saw the door was wide open. I never went to the scene of the alleged murder at the Alexiou house. Mr. Moss said he was going to send my tennis to England to fool me in order to get my shoes.

30

I remember Mr. Crawley saying I was belligerent but if you would notice in his deposition he said something different. I was not belligerent at all at the identification parade. I had nothing to scream for at the identification parade. I said no such thing that tell the people I made a statement. Mr. Crawley is a man and any man can tell lies or make mistakes.

40

I was escorted as far as the parade and I walked on the parade. Mr. Crawley in his evidence said that he wanted someone to open the door. Mrs. Alexiou was wheeled out, he said. The door was not closed and I could see anyone showing photographs inside. I remember seeing Bernard Darling when I went to have my photographs taken at Criminal Records Office. We all went in cars together at this time - police officers - a bunch of them. I saw Darling there but I cannot remember seeing Farquharson. I remember

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seeing Darling before I got into the car. I  
remember seeing Farquharson.

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My finger prints were never taken - when I  
came into the station no finger prints of mine were  
taken - nor when I was charged. They were never  
taken at all. My finger prints were taken when I  
was first arrested.

Alexander  
Pinder

Court: I never gave any Canadian money to Mrs.  
Capdeville.

Cross-  
examination  
30th November  
1971  
(continued)

Darling: I only dealing with depositions -  
complainants - and witnesses were present at locus  
in quo. There is a conflict of court. I have  
heard the Alexious say I suppose to be one of the  
men in the bedroom by the bedside. I was seen  
wrestling with another man and two other men were  
in the Emmanuel Alexiou's room. Mrs. Klonaris  
wrestled. The man with the machete is me - the  
witnesses say. She could not identify me.

10

By the Court: There is a prima facie case to answer.

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Bernard  
Darling  
Examination

EVIDENCE OF BERNARD DARLING

Bernard Darling electing to give sworn  
evidence - states:

I Bernard Darling, 24 years of age, Bahamian  
born - profession bar waiter - food waiter - an  
interior decorator. Speaking about the matter that  
is in question - it is said that three unknown  
intruders some time on the morning of 21st April had  
break and entered into the Alexiou's home, which is  
situated on the Eastern Road. I Bernard Darling am  
now accused with two young men - of being these  
intruders.

30

Personally, I know nothing about this matter.  
No more than what I have read from the newspapers  
and from what I have heard on the radio. Speaking  
about the night of the 20th April, I Bernard Darling  
can remember exactly where I was, exactly what I  
wore and exactly what I did that night.

Around 8 p.m. on April 20th, I left my grandmother's home along with my girl friend, and went out to Lockhart's Club which is situated on Wulff Road. I cannot be exact but I would say that I left the club around 11 p.m. and went back to my grandmother's home, where I spent the rest of the night until the next morning. I did not leave home until around noon the following day.

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10 Speaking in connection with me being arrested, sometime on 22nd April, I was out here on Bay Street, to Mademoiselle. After leaving Mademoiselle - I was on my way home. Walking through McCollough Corner, going in the eastern direction I was approached by an S.D. yellow Chevrolet. I heard someone said to me - "Hi, Bernard, come here"! I looked into the direction where this car was, and I saw Corporal Rose, behind the wheel of this particular vehicle. So Mr. Bullard jumped out of the car, and he said to me that he would like to see me at the Criminal  
20 Investigation Department for questioning. At that time I asked him what for. So he said to me at that time, in connection with the murder of one Mr. Anthony Alexiou. So I told him it was alright. I got in the car and I was driven to the Criminal Investigation Department.

Bernard  
Darling

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(continued)

30 I cannot say exactly what time it was but from my stand point of view, I would say it was round 6.30 p.m. when I got there. After getting there, I saw Mr. Hercules, Mr. Fields and a number of other C.I.D. officials. At one stage I was interviewed by Mr. Fields and I was also interviewed by Mr. Hercules.

40 My interview with Mr. Hercules, - he had administered the precautions, which is required by law, that I need not say anything, but that if I wish to, I can go right ahead. But I must bear in mind whatever I might say would be taken down and given in evidence against me. Mr. Hercules at that time asked me concerning my whereabouts on the night of the 20th April and also on the morning of the 21st April, between 4 and 5 a.m.

I told him that I was out with my girl friend, to Lockhart's Club, on Wulff Road, and that I did spend the night at my grandmother's residence - me and my girl friend. He asked me at that time if I have anyone to support the fact that I slept home that night, I told him "yes".

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Supreme Court

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Darling

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(continued)

Sometime on the 24th April I was downstairs in the cell, Central Police Station. Mr. Hercules and Mr. Moss and also Mr. Bullard, went to my grandmother's house which is situated on Rolle's Avenue. After arriving at my grandmother's house, Mr. Hercules and Mr. Moss also Mr. Bullard, got out of the car, and went inside, of the house. At this stage, I asked them what they were looking for. Mr. Hercules said to me that he would like to know the clothing that I wore on the night of the 20th April. So I said to him, I was wearing the pants I am wearing today, and a pink long sleeved shirt. So he said to me he understood that I was wearing a grey pants and a green sweater. He asked me if I own a green sweater. I told him no!

10

In the room I occupied at my grandmother's residence they conducted a search and these clothing that they took from me - he said this is the grey pants and they searched in my suitcase. They look at all the colours of the shirts. So Mr. Hercules took this yellow pullover out of the suitcase and as if to demonstrate to me - Mr. Moss and Mr. Bullard - he stretched the shirt out and said to me at that time he believed I am lying. He threw the yellow shirt back on to the bed. So the clothing they had searched - I placed back in my suitcase. Mr. Moss after they had finished conducting the search in the kitchen said he think that he had better carry the shirt because it had some green on it anyhow.

20

30

We leave from my grandmother's house and went to Mackey Street. And my grandmother - she is the lady between the age of 65 or 66 - she has a stall on Mackey Street, which is situated on the eastern side of Mackey Street. At that time Mr. Hercules got out of the car - my sister and also my grandmother were there at the stall. So Mr. Hercules, was enquiring concerning my whereabouts. I was right there at the time. Mr. Hercules asked my sister if she can give an account for her brother. My sister said to Mr. Hercules in my presence that she was to the movies and when she got home I was home in bed and as far as she knew I did not leave home any more that night.

40

Mr. Hercules went on and he asked her what made her so sure. She said to him because I and

my brother and his girl friend slept in the same room and bed. This is why I am sure that he was home. At that particular time my grandmother, she faint. So I was taken back to C.I.D. office, I was at that time interviewed by Mr. Hercules again. He told me that they are going to hold an identification parade. He asked me if I had any objections. I told him no.

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10 I should say about a half hour after Mr. Hercules told me this, they started the identification parade. I was taken out of the cell, upstairs to the C.I.D. office. When I got upstairs, I saw Mr. Hercules with a large book that they call an album, he was going in a southerly direction. I was coming up the steps. I was taken into the main office. When I got there Mr. Fields and also Mr. Crawley Mr. Lightbourne and a number of men participated in the identification parade.

Bernard  
Darling

Examination

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(continued)

20 Mr. Fields at that time asked me if I have any objections taking part in the parade. I told him no. He said I could take up any position I choose on the parade. I cannot remember at this time exactly what position I took up. The first witness Mr. Emmanuel Alexiou came into the room. At this time Mr. Fields give the entire parade instructions to hold their heads up and look straight in front of you. After this was done, Mr. Fields said to Mr. Alexiou, this is an identification parade and you are to pick out the person or persons you had seen in your home on 30 the morning of the 21st April. Mr. Alexiou walked along the one line. He inspected the parade - head to toe and he walked back to Mr. Fields, who was at the opposite end of the identification parade and said to Mr. Fields "I would like for you please have the men on the parade say the following words" - "Stay under your covers." Everyone on the parade said this together. After this was done, he asked Mr. Fields to have the men say "Stay under your covers - one by one". All of the men on the parade 40 said this. When it was my time to say these words - I said these words "Stay under your covers". After I had said these words, Mr. Alexiou walked up to me and touched me and said to Mr. Fields at that time, this voice sound like the voice I heard in my house. After this Mr. Alexiou was told to go downstairs. The second witness Mrs. Sandra Alexiou was brought to the parade - she was told the purpose of the parade. Mr. Fields told her in these words - Mrs. Alexiou this is an identification parade - you are to touch



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the persons or person, whom you saw in your room on  
the morning of the 21st April.

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Bernard  
Darling

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(continued)

Mrs. Sandra Alexiou walked from one end of the  
parade to the other. She went back to Mr. Fields  
and said - "I do not think I would be able to  
identify anybody". So Mr. Fields said to her at  
this time - look on the parade again. She started  
from one end and came to the opposite end where I  
was and she touched me and she said "I am not sure".  
So I said to Mr. Fields at that time - "You heard  
what the lady said, she is not sure".

10

Mr. Fields told me I would have a chance to  
say whatever I liked. At that time, I was a bit  
upset and I told Mr. Fields at that time. "I think  
it is time for me to say whatever I have to say  
now". After this Fields give one of the officers  
instructions to take the lady downstairs.

The third witness Mrs. Katherine Klonaris was  
brought into the room. She was told by Mr. Fields to  
look at the parade and see if she can recognise  
anyone who she had seen in their house on the  
morning of the 21st April. Mrs. Klonaris inspected  
the entire parade. She went back where Mr. Fields  
was and said to Mr. Fields "I do not see anybody".  
She was sent downstairs. After this, I was taken  
downstairs, I was placed into a cell, opposite the  
two accused persons Philip Farquharson and Alexander  
Pinder.

20

At that time the accused Alexander Pinder was  
taken out of the cell by a number of C.I.D. members.  
I cannot give an account where they took the accused  
Pinder.

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After Pinder came back the accused Philip  
Farquharson was also taken out of the cell by a  
number of C.I.D. members. I cannot give account  
where they took him. After Farquharson was brought  
back, Mr. Hercules and also Mr. Fields and also Mr.  
Crawley came downstairs to the cells, and said to me  
that they are going to hold another identification  
parade, at the Princess Margaret Hospital. They  
asked me if I had any objections taking part in the  
parade. I told them no. Some time after this, I  
was taken out of the cell and placed in a S.D. car  
and taken to Princess Margaret Hospital.

40

I was taken on the eastern side of the Princess Margaret Hospital taken up a flight of stairs. When I got up on the second floor, I saw a number of spectators. I also saw a line of men standing in rotation. After I had got where these men were standing - a line of men on the southern side and on the opposite to the men were the room of the patients. When I got there, Mr. Fields was standing on the western side of one of the patients' rooms. This particular room door was open at that time. I looked into the room - I saw a lady sitting down in a wheel chair. This lady had on, on her head, a cap - in a brighter green than the chairs I see in Court. In this room at that time, the lady was sitting down. Mr. Crawley was in front of the lady - the nurse was on the north side of the lady - Mr. Hercules was at the back of the lady, behind the wheel chair. Mr. Hercules was at this time showing Mrs. Alexiou my photograph. He was behind the lady and his hand and arm were in front of the lady and showing her the picture.

The nurse who attended to the lady at this time pushed the wheel chair out of the room. I was standing exactly opposite the patient's room. At that time Mr. Hercules, when he saw me, dashed in one corner of the room. Mr. Crawley came out of the room - I was standing at the extreme end of the parade, with my head hanging down. Crawley said to me - this is an identification parade - you can take up whatever position you like. After seeing what I saw, I sucked my teeth and stood up just there. The nurse took the patient to the opposite end of the parade. She looked at the parade circumspectly - she came where I was standing and she went back down the line again. I cannot say exactly what number this person was - Mrs. Alexiou touched someone down there.

After this, Mr. Crawley said to the men - you must all change your position. Being upset I did not move. Mrs. Alexiou inspected the parade again, and Mr. Crawley as the nurse pushed the lady along the line, Mr. Crawley was behind the lady, as she was wheeled along the line.

Mr. Crawley told the lady to look at the parade carefully and see whether she would be able to recognise anyone. The lady then touched me, in my abdomen. I looked at the lady and smiled. I was

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(continued)

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taken away from the parade. While I was there at the parade, Mr. Hercules never came out of the patient's room.

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I was taken - I would estimate the distance to be - from where I am now standing in the witness box to where the first row of spectators are from the parade. I was kept there for some time. I do not know the exact time the identification parade was completed. I was taken back downstairs - placed in the same car that had brought me to the hospital taken back to the Central Police Station. I was placed in a cell.

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Bernard  
Darling

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(continued)

Some time that evening Mr. Hercules, also Mr. Moss, Mr. Johnson came to the cells. Mr. Hercules had in his hand a brown folder but much larger than the photograph album produced in Court, with a number of sheets of writing paper. I was taken out of the cell - the two accused Farquharson and Pinder were taken out of the cell. Mr. Hercules gave instructions for the three of us to stand up in rotation.

20

I was standing at one end of the line, Mr. Hercules said to the accused Alexander Pinder, "I would like to have those tennis". The accused Alexander Pinder was wearing those tennis at the time. He said to Mr. Moss - "Moss take those tennis". The accused Alexander Pinder said to Mr. Hercules and also Mr. Moss - "what you all want my tennis for"? Mr. Moss started laughing and said to the accused Pinder - I am going to take these tennis and send them to England for examination. There was a little fracas I would say between Moss and Pinder - that is, a few words passed between them. The accused Pinder said to Mr. Moss "I am not giving you all my tennis because I do not see what you want my tennis for". Mr. Hercules said to Mr. Moss - "get those tennis". After a little while the accused Alexander Pinder, who was then standing up at that time, was told to stoop down and loose those tennis. He stooped down and loosed the tennis and gave them to Mr. Moss. He asked Mr. Moss at that time how long would it take for my tennis to be examined. Mr. Moss said to him - England is a far distance from here - so probably it might take a week or a week or two. Mr. Hercules at this time told me he is going to charge me and also the second accused - Farquharson and Pinder with murder, attempted murder, burglary and stealing. So I said

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to him at that time, "Why you are going to charge me". He said he knows me quite well for some time, and that he heard that I and the two accused were seen together prior to the day of the 21st April. I asked him who told him this - and he said he will not disclose who he got his information from. So I said to him at that time - looking at it from your stand point Mr. Hercules - "if we may have been together the previous day, that does not necessarily mean that we have to be together the following day".

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Darling

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(continued)

At this time Mr. Hercules said to me, as you have heard - there was said to have been an alleged murder, where three unknown men had break and entered a dwelling home situated on the Eastern Road, owned by one Mr. Anthony Alexiou. So I asked him - "what does I have to do with that". He said to me - as I have told you, I got information that you and the two accused Farquharson and Pinder, were seen together.

He said that they got information that three persons had broken into Mr. Alexiou's room on the morning of the 21st April. So he went on and said - owing to the fact that I know you for a very long time, and you have a criminal record and since he said you all three were together, I would charge you for these offences. So I said to Mr. Hercules, I would like for you all to make arrangements to hold a different identification parade, with me wearing different clothing. So I asked him - please go home, where I live and bring me a long sleeve yellow shirt.

Some time after, I do not know the exact time - this was after me speaking to Mr. Hercules, he brought me this long sleeved yellow shirt.

At this time I insisted that they hold another identification parade, with me wearing different clothing. He said to me this cannot be done, because this is improper. Owing to the fact that I have a fairly good idea about British Law, I asked him at that time to point this portion out to me, where it says that it is improper for me wearing different clothes to be placed on another identification parade. He just walked off and sucked his teeth. That was on the 24th of April. Some time in May - I cannot remember the exact time when they started the Preliminary Investigation, I was taken up to H.M. Prison on the 27th April, along with

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Farquharson and Pinder. The Preliminary Inquiry started. The Magistrate who conducted the Preliminary Inquiry was Mr. Wilton Hercules.

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At the beginning of the Preliminary Inquiry, Mr. Hercules the Magistrate said - you all need not answer to the following offences. He read them off. Some time at a later stage in the Preliminary Inquiry the accused Alexander Pinder told Mr.

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Bernard  
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Hercules the Magistrate that Mr. Fields and Mr. Lincoln Hercules had told him that they were going to bring us in the front of one of our brothers in the lodge. 10

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Mr. Hercules the Magistrate said - "Shut up and I do not want to hear what you have to say".

(continued)

Alexander Pinder at that time said to Mr. Wilton Hercules - I am only asking you for questions, Sir: If you are one of the brothers in the lodge. Mr. Hercules said "Shut up". So the accused Alexander Pinder went and said - Mr. Fields and Mr. Hercules have already told me that they were going to bring him here in front of him because you are not going to listen to what we have to say. 20

After the Prosecution witnesses had completed giving evidence, Mr. Hercules (the Magistrate) said to the three of us - this is an indictable offence and I am afraid I cannot try this case. You all will have to go to Supreme Court for trial. He said we need not make a plea now - we can plead when we get there.

As I have stated previously I asked Mr. Hercules after seeing that he did not comply with the Magistrates Act - as he should have - and asked the three of us if we would like to call witnesses. So I said to him - Mr. Hercules - I would like to call a few witnesses. At that time he told me that I must shut up and have nothing to say. After this, he had remanded us for trial. 30

I have written to His Excellency the Governor on one occasion requesting a finger print expert and also an importation of jury men. I also asked him in that letter to have someone investigate into this matter, because I know nothing about it. I told him in that letter that owing to the circumstances that I had been previously involved with the police this is why I am here - involved in this particular matter. 40

Some time after sending this letter, I received reply, telling me that the Registrar who is Mr. Thompson, is the competent authority for me to make my application to.

If the Magistrate had called my witnesses I would not be here now.

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(continued)

Cross-  
examination

Cross Examined - Farquharson.

10 My name is Bernard Darling. I heard someone say - "hi - come here". That was 22nd April. I cannot say whether I really saw you or not on the 22nd April. On the night of the 20th April - I did not see you. Nor did I see you on the morning of the 21st April. Well, I would not say that I know you intimately - what we call personal that is. But I have seen you around on various occasions.

No you and I do not ride in any cars together. I have heard of numbers of cars already stolen.

20 Neither you or I were in any of the cars reported stolen. I have given an account of where I was on the 20th April.

Cross Examined - Pinder.

On 20th April I said I went to Lockhart Club - yes, I said that. At the time I went there, you were not with me. I said I left around 11 p.m. You were not with me when I left Lockhart's Club around 11 p.m. I and my girl friend were together when I left Lockhart's Club. I and my girl friend went to my grandmother's home. I never left my grandmother's home till around noon.

30 On 22nd April, I heard a police officer say hi, come here - but not in the exact words you put to me.

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Darling

Cross-  
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(continued)

I went when I was called. It was around 6.30 p.m. when I got into their car. I was taken into C.I.D. office. Mr. Hercules spoke to me - or interviewed me separately. Both Hercules and Fields were together and they spoke to me at the same time. Then after this, I was taken upstairs to Mr. Fields' office.

Mr. Fields cautioned me. I told him I had gone to Lockhart's Club with my girl friend. On 24th April I was at Central Police Station - I went to my grandmother's home with officers. Mr. Hercules asked me the clothes I was wearing on the 20th. I said a pink shirt, and blue pants I was wearing yesterday. I was taken to my grandmother's stall. Yes, my grandmother fainted after the discussion. Hercules asked my sister if she could say, where I was. After the movie my sister met me home. On 24th April I was taken upstairs to C.I.D.

10

Mr. Fields told Emmanuel Alexiou the purpose of the parade. The men on parade said the words "stay under your cover". At one time all of us said this together. Then Emmanuel Alexiou asked for the words to be said "one - one".

20

I heard police state a number of cars were stolen. You and I were never together in any of these cars. I was in none of these cars. Nor was I with Farquharson in any of these cars. You and I were not together at any time on 21st April. I am positive. I have no knowledge of our being seen together on the 20th April - the day before the incident, of this I am very sure.

30

Cross Examined by Mr. Hilton. (Solicitor General)

I remember seeing Mr. Hercules showing photographs to Mrs. Ypapanti Alexiou at the hospital. If he had been showing photographs, at that particular time, that would have been highly improper.

I should say yes to the question that Mr. Hercules was trying to fabricate evidence against me.

I have known Mr. Hercules from the year 1962. He has done this before - that is he has been hostile to me before.

40

Mr. Crawley was in the room at the time with Hercules and it would have been highly improper for him to show my photographs to Mrs. Ypapanti Alexiou.

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I was told about the charges after the identification parade - some time in the evening. I was told I was being questioned from the time I was picked up - but not suspected of these offences. I did not decline to make a statement. Mr. Hercules wanted me to make a statement admitting that I was involved. I never admitted to Hercules that I was involved in this Case. I have heard Farquharson and Pinder deny that they were involved in these offences. I have heard them deny that their statements were made and signed by them. From that point of view the police have fabricated these statements. Yes, it is possible that the police could have fabricated a statement by me. The police were doing their duty normally - their routine duty.

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(continued)

Sgt. Moss never bought a dinner for me and Farquharson - I was never interviewed along with Farquharson. Police never actually beat me to make a statement but Mr. Hercules remarked - I believe if you do not talk what you need is a good cut "arse". But they did not.

Hercules came to speak to me occasionally. I cannot remember when the first interview actually took place. To be truthful, I was never interviewed at no time with Mr. Hanlon. Mr. Hercules never recorded a note of questions and answers that I gave. I have seen his notes - a couple of days ago for the first time. I never said I was at East Street on the night of the 20th with a group of fellows - I never said that to Mr. Lincoln Hercules.

I never said to Mr. Hercules, what is written down by him in his notes. On the 23rd of April at 1 a.m., I never said to Mr. Hercules that I had been on East Street by the cinema on 20th April and that I had gone home about midnight.

On the 24th April after I was charged - I never told Mr. Hercules that I would like to see him privately the next morning. I remember asking him for another identification parade with different clothes on. It is a possibility that I saw Mr. Hercules on the 25th April. On this day, I never told Hercules that I was on Lewis Street with the other two



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Bernard  
Darling

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examination

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(continued)

accused. I never said on the 20th I was smoking herbs with the other accused - I never said this to Mr. Hercules. I never told Mr. Hercules that after leaving Lewis Street, they went to a corner by Father Allen's chicken shack, where they smoked more herbs. The statement that I gave to Hercules was what I said yesterday in Court.

My sister gave Hercules a statement. Mr. Hercules did not want what my sister said. I did not tell Mr. Hercules what he wrote. I and the other accused persons have not really talked together. I was not surprised when the other two accused said they were not with me on the night of the 20th. Anything is possible. My girl friend's name is Miss Idell Munnings. Yes, she is in Court today - inside the Court. I am proposing to call her as a witness in my defence. I have known Miss Munnings since 1968. I have a number of girl friends. My girl friend was with me when I left my grandmother's house at 8 p.m. on the 20th April. I am not sure how long she was in my grandmother's house before we left at 8 p.m. but I would estimate a half an hour. Miss Munnings comes to my grandmother's house very often. She had been there in the morning of the 20th April.

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I was there when she came in the morning and how long she stayed I cannot remember. I left my girl friend with her mother and I then went out on Bay Street to the Esplanade, where I spent a portion of the day. From there I stopped to Mademoiselle. I got back to my grandmother's house around 5 p.m., and there I stayed until I left at 8 p.m. I do not own a car. When I left my grandmother's house at 8 p.m. I walked. My grandmother's house is through Rose Avenue - at a corner off Wulff Road running north by the Amber Room. I went directly to the Lockhart's Club - opposite Bahamian Lumber Company. We stayed there - my girl friend and I until we left around 11 p.m. If I had told Hercules about my girl friend and I going to Lockhart Club - he should have written it down.

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40

On the night of the 22nd when Hercules interviewed me I was not wearing the clothes - the shirt which was exhibited in Court. Ex. F.P. and D.25. I never wore that shirt at all on the 22nd April. I heard Mr. Hercules saying he was not sure of that shirt. I have a number of shirts like that as I

told Mr. Hercules - that is, of the same design. Mr. Hercules told me of the parade on the 24th on that morning - he and Mr. Fields. Before the parade I never asked Mr. Hercules if I could change the shirt I was wearing. I heard Mr. Hercules say many things. I was wearing a striped shirt at the identification parade - a short sleeve shirt. I was allowed a long sleeved shirt after the identification parade was held but not before. The purpose of that was that I was upset and I asked Hercules to conduct another parade in which I would be wearing different clothes.

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I was at an identification parade on the 24th at C.I.D. and that took place before the hospital parade.

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(continued)

We were downstairs in opposite cells us three accused - when Hercules told me of the parade which was going to be held. I saw Mr. Hercules with a big book of photographs which police have of those who do trouble. When I saw Mr. Hercules, as you come up the steps of C.I.D. office, one turns east. There is a walk-way leading south. I was coming east and Hercules was coming from the north in a southern direction. After I saw Mr. Hercules, I had to make a few steps and then turn north. I never saw Mr. Hercules go up the stairs. Possible that police doing wrong things about my case - all things are possible. At my parade Emmanuel Alexiou was the first witness. Mr. Alexiou came straight to me after I had spoken the words "stay under your covers". Police are only trying to make a case. Mrs. Sandra Alexiou was a witness of my parade. She said "I am not sure" at the parade. If I were allowed to express myself without interruption, there are many things I could have said. That is part of the reason why I did not put to her that she said she could not identify anyone.

I know that these Alexiou people are lying - they are only doing what they have been told to do and say. She did not say I am not sure just after she came into the room.

After the identification parade in C.I.D. I was taken downstairs - I was speaking with Mr. Fields about one witness saying I am not sure and the other having the men say "stay under your covers". I was taken downstairs shortly after the parade. Mr. Hercules and Mr. Fields did not take me down. After I

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Bernard  
Darling

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(continued)

was put back in my cell - Pinder was then taken out. I remember Pinder saying afterwards he was taken to hospital. I was present in the opposite cell when Hercules told Pinder that he was going to have him identified. If he was taken downstairs put into a car and taken to hospital this could not have been said in the cell.

I heard Hercules tell Pinder that he was going to see that the old lady picked him out. I have seen the statement Pinder is alleged to have made on the 23rd April. Shown the statement - I cannot say I have seen the original.

10

There was a parade at the Princess Margaret Hospital. I cannot say if my parade was the first one at the Princess Margaret Hospital. I heard Mr. Crawley say that. When I got to the place where parade was held - the others were already standing firm on parade. I cannot say how long they had been there. Mr. Crawley told me I could take up what place I wanted on the parade - this was after he came out of Mrs. Alexiou's room. Mr. Crawley came out of her room after the nurse had pushed her out of the room. This parade was not held like the one at the C.I.D. There were a number of spectators looking on.

20

This the 24th April was the first time in my life that I have ever been on an identification parade. Yes we cross examined Mr. Crawley - I did cross examine him because I wanted to make him substantiate what he said but he cannot. That is why I think he said Corporal Rose opened the door.

30

I have not seen a private ward in a hospital before. There was no screen in front of her door on that occasion. I was exactly opposite the room door of Mrs. Alexiou - about six inches away. When I was approaching the parade when the other men were standing, I could have seen into room, until I turned. I was also standing in the line as number one when I saw Hercules showing the photographs. Hercules was showing a picture to Mrs. Alexiou at that time. At the particular time Hercules had a police folder under one arm and a picture of me in the other, which he was showing to Mrs. Alexiou. Mrs. Alexiou was then side on to the door. Hercules was at the back of Mrs. Alexiou, and I had a side view also. At that particular time one photo was

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being shown to her.

I did not actually see Hercules showing Pinder's picture but he had Pinder's picture in his hand, when he was showing mine. Hercules had my picture in his right hand and Pinder's in his left hand. He was not showing Pinder at the time. To see exactly what was going on, I leaned over sideways to see better.

10 I was escorted to the parade approaching the parade by Corporal Rose, whom Mr. Fields claimed to have opened the door.

I should say the size of the photograph shown to Mrs. Alexiou was of the same size as Ex. F.P. and D.33, including Ex. D.1 and D.2.

20 Mr. Crawley told me to stand where I wanted to stand. Mrs. Alexiou was outside her door when Crawley told me this. As I got there and spun around Crawley told me to stand where I wanted. At my parade at Princess Margaret Hospital - I was not the only identified by Mrs. Ypapanti Alexiou. She touched someone on the opposite end, I cannot say which one exactly - I would not say Mr. Crawley actually saw her touch this man but he was in a position to see.

Mr. Crawley then asked us and told us we must change our positions. And everyone did so, except me.

30 After someone has been identified in my view it would be improper for Crawley to tell us that we must change our positions. And when he did tell us to change there were a number of spectators and police officers around. Mrs. Alexiou viewed the parade then twice, she went down the line starting from me. She went down the line and then came back and touched me on the stomach.

Mr. Crawley was following her up and down and also the nurse.

It was Alexander Pinder who said Hercules coughed at his parade. I heard Crawley say Mrs. Alexiou pointed out one man only - but he is perfect.

40 Mrs. Alexiou said she touched me. She did not mention touching anyone else. No one is perfect - to be frank and exact. Under no circumstances have I just

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Bernard  
Darling

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(continued)

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dreamed that someone else was also pointed out.

Defence  
Evidence

I saw the second parade certainly from the place I had gone to after the first parade. Certainly, I was able to see Pinder coming up and his parade. I was asked previously if I could say the parade that I took part in was held first. I said I could not say and I cannot say if my parade took place before Pinder's. I cannot say what happened to the other men in the parade - I can only say about myself.

10

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Bernard  
Darling

Cross-  
examination

After the lady touched me Crawley called a number of officers and said to them "take this man away". I cannot say if the same men remained in line after I had been taken out of my parade. I could barely glimpse Mr. Crawley because of his height at Alexander Pinder's parade from the place where I had been taken after my own parade. I cannot say how long I was standing at that place to which I had been taken after my parade - but I would perhaps say a couple of minutes. I cannot say whether the men in Pinder's parade were in a line, when he joined them. I saw Mrs. Alexiou - but I did not get a clear look because of the crowd.

20

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1971  
(continued)

I left Mrs. Alexiou at the spot where she had touched me and I walked off. I cannot say if Mrs. Alexiou was in the parade area all the time after I had left it. I passed Pinder when I was on my way to the place where I have already said I was taken. I said because of the crowd I could not see directly, but I was in the direction of Pinder's parade.

30

I could not see from the point I have described I was taken, if Mrs. Alexiou's door was still open. I did not say Pinder's tennis was taken off. I do not remember Pinder saying he was in the cell when his tennis were being taken off.

I was present when Moss got Pinder's tennis and this was in the corridor, where the cells are situated. He was ordered in a rash manner to take his tennis off.

I do not know Mrs. Capdeville. I have never met her in my life. I only saw her name for the first time in a note of additional evidence.

40

I heard her say she saw me in her house on

morning of 21st April. I heard her say I said "good morning". She has got to be mistaken.

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Supreme Court

It is possible Farquharson may have made the statement. I saw in a deposition that Farquharson acknowledged his signature. Accused Farquharson - I have only seen him around. I cannot see why he should have made a statement implicating me.

Defence  
Evidence

No.29

Accused Alexander Pinder - I am acquainted with to a certain extent - but nothing personal. If police made up the statements - the accounts are given differently from the Alexiou family evidence.

Bernard  
Darling

Cross-  
examination

Philip Farquharson: I ask that Mrs. Alexiou, Mrs. Sandra Alexiou and Emmanuel Alexiou and Mrs. Klonaris be recalled to the stand - for further questioning.

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1971

(continued)

Pinder: I too would like to have Mrs. Ypapanti Alexiou, Katherine Klonaris, Sandra Alexiou and Emmanuel Alexiou recalled because of their contradictions and depositions and all of them were at the scene when this incident occurred and there should not be contradictions.

Darling: I would like them to be recalled before I give any evidence in my defence.

Mr. Hilton: Two points:

It is in the discretion of the judge to recall a witness at any stage: see para. 563 of Archbold.

Court: I will allow Mrs. Ypapanti Alexiou to be recalled since she pointed out at the locus in quo ..... the rooms to the jury.

Court: I am not(?)allowing the other witnesses to be recalled - who the accused persons have asked to be recalled.



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Supreme Court

NO. 30

EVIDENCE OF CHRISTINE MONIQUE ROLLE

Defence  
Evidence

Christine Monique Rolle - sworn.

Examined by Farquharson.

No. 30

Christine  
Monique  
Rolle

I have heard the name Philip Farquharson before. Yes, he is something to me. He is my expected husband. I remember the 20th April. I remember seeing Philip Farquharson that night. We went to the movies - after the movies we went to Philip Farquharson mother's house. We left the movies about or after 11 p.m. I did not leave Farquharson that night. Farquharson did not leave me any time that night. I am sure of that.

Examination

10

Cross-  
examination

Cross Examined - Pinder.

I and Farquharson are intimately involved. Yes, we went to the movies together. We then went to Farquharson's mother's house. I am quite sure of this. This was on the 20th April. I slept at Farquharson's mother's house that night.

Farquharson did not leave home that night. I am sure of this. I know Farquharson real good.

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Cross Examined - Darling.

My name is Christine Monique Rolle. Farquharson is my expected husband. Farquharson and I were together on the night of 20th April. We went to the movies about 8 p.m. We left around or after 11 p.m. We went to the Cinema. Farquharson mother lives not far from the Cinema - much bigger distance than from witness box to the dock. After leaving the movies, it would take us - I do not know how long to walk. I do not know hours. I cannot say how long it would take to walk from Cinema to Farquharson's mother's house but not far. After the movies, we went straight to the mother's house. Sure, we did not stop anywhere. Farquharson and I slept together all that night. When we got back to Farquharson's mother's house she was there.

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I woke up about 12.30 p.m. on the 21st April. After I woke up I touch "Smooth" and said I was

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going home. I would say I called him at the same time as I woke up. Farquharson, I am sure did not leave his mother's house again that night.

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Supreme Court

When I awoke Farquharson - I told him I was going home, he got up and came with me. I myself live at Ernest Street. Ernest Street is off Mackey Street. When we got to my house, he said he was going to change his clothes and come back. Farquharson stayed ten or fifteen minutes at my house.

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Evidence

No. 30

Christine  
Monique  
Rolle

10

After he left to change his clothes, I saw Farquharson again. He said he was coming right back but he did not come right back. He had told me he was going home.

Cross-  
examination

(continued)

I saw him again in the evening. It was something 7 p.m. or after 8 p.m. that I saw him again. He was not driving a car. I saw Farquharson walking. Farquharson does not own a car. I am sure I saw him in no car. I have known Farquharson three or four years. He told me he used to work at Chicken Farm and as a bartender. I cannot say I know he worked as a bartender. The accused Farquharson used to give me money. I heard that he is liking another girl. I am jealous. I do not know the time Philip Farquharson was arrested.

20

I have heard that Farquharson was involved in an alleged murder. I cannot say he could have taken part in this alleged murder. Farquharson on the morning of 21st April - between 4 and 5 a.m. was at home. I am sure of this. Farquharson never left home again that night. When I went to his mother's house and asked for "Smooth" - that was when I heard Farquharson was in trouble. This was either 22nd April or 23rd April.

30

I never came to the police station - because my baby was home. I had no one to keep the baby for me.

Cross Examined by Mr. Hilton.

I am aged 17 years. I left school at the age of 14 years. I call Philip Farquharson "Smooth". I knew Philip Farquharson when I used to go to school. He has been my expected husband for four years. My baby is one year old. Farquharson is my

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Supreme Court

Defence  
Evidence

No. 30

Christine  
Monique  
Rolle

Cross-  
examination  
(continued)

baby's father.

I used to be more often than not in Farquharson's house - I have lived in that house - that would be in 1969.

Yes, I enjoyed the movies on the night of the 20th. I went to the Cinema in East Street. I cannot now remember the picture I saw that night. There was nothing really special about this picture. Farquharson asked me to go to the movies that night. I have gone to the movies many times with Farquharson.

10

After 23rd I heard he was in trouble. I said it could not be Smooth because we were at the movies on that night.

I do not know Pinder that good - I have a girl friend called Shirley Basden. She is girl friend of one "Shine". I did not Shine until she introduced Shine to me. This would be about three or four years ago. I have seen Shine - he used to live at Market Street. May be when I walked up East Street, I would see Shine by the movies.

20

Smooth do not know Shine too well because - because when I told him we would go by Shirley he would ask who is this Shirley. That was before this year but not longer than two years ago. I do not think Smooth knew Shine, the first time I asked Smooth to go to Shirley. I cannot remember when Smooth first knew Shine. I do not know - I cannot remember whether it was this year or last year. I believe it was months ago.

30

I got back to Farquharson's mother's house after 11 p.m. He put on the radio and we listened for a while. Farquharson fell asleep first - no use my sitting up by myself so I went to sleep too. After the radio we talked a bit. He went to sleep ten or fifteen minutes afterwards. I do not remember my staying awake much longer after Farquharson went to sleep. I got up to "pea" and then went back to bed. I do not know what time that was. I awoke at 12.30 p.m. I could not know what Farquharson was doing when I was asleep.

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I heard Farquharson had another girl friend. I heard he was liking another girl before I had my baby.

I have seen this girl.

Farquharson has a girl friend called "Butt". But her name was "Jo-ann". I first heard someone say Jo-ann just now.

Farquharson has stayed in Nassau these past three or four years. He was never away at any time. Farquharson has written me letters. He never wrote me since he has been in prison. He used to write letters to me some time ago when he was mad.

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Supreme Court

Defence  
Evidence

No.30

Christine  
Monique  
Rolle

Cross-  
examination  
(continued)

10

NO. 31

No.31

EVIDENCE OF SHIRLEY BASDEN

Shirley  
Basden

Shirley Basden - sworn.

Examination

Examined by Pinder.

On the 20th April, 1971, I remember seeing Pinder. I remember the time I saw him. This was at 11 p.m. When I saw Pinder he was alone. He was not with Farquharson - nor with Bernard Darling. When Pinder got into my house, I remember, he asked me for something. He asked me for a Bible. He read this Bible.

20

Some time after Pinder read the Bible, I did something. I can remember what I did. I turned on the radio. I can remember how long we listened to the radio. After listening to the radio, Pinder said he was sleepy. I remember when this time was that he said this. This was 5 o'clock.

No one came to the house that night to disturb me. Farquharson did not nor did Bernard Darling. When Pinder fell asleep - I did something - I read the Bible.

30

Next morning when Pinder left - he did not leave with anybody. Pinder never left the house that night. When Pinder came to my house, he did not come with

In the  
Supreme Court

any car. While Pinder was asleep I never saw him walking out in his sleep. I never saw that. After the night of the 20th when Pinder slept at my house, I heard that he was arrested.

Defence  
Evidence

I cannot remember the day Pinder was arrested.

No. 31

I heard that Pinder was charged and with what. I was told Pinder was charged with murder - attempted murder. To my knowledge, I would say Pinder do not know anything about it.

Shirley  
Basden

Examination  
(continued)

Cross-  
examination

Cross Examined - Farquharson.

10

I know the accused Alexander Pinder. He is my expected husband. I remember the night of the 20th April clearly. On that night I saw accused Alexander Pinder. I saw Pinder that night at my house. He slept with me that night. He never left me that night. I am sure of that.

Cross Examined - Darling.

My name is Shirley Basden. I live in St. James' Road. I saw Alexander Pinder on the night of the 20th. I saw him at my house. He walked to my house - because I heard no car. I never saw him that night drive a car. Alexander Pinder does not own a car.

20

Pinder went to bed at 5 a.m. on the morning of the 20th April. I saw him going to bed. That is he slept at my home. I never saw Farquharson that night.

I did not see you that night. I do not know the time Pinder actually got up next morning. I say he got up at 12 the next day - on the 21st. I believe he left my home after 12 noon, the following day. When Pinder got up - I got up. I did not want Pinder to go. He told me he was going home, where he lived in an apartment. I have never seen this apartment. I was invited but I did not go. He told me where it was. I saw him there - his apartment was on Farm Street (Market Street). I cannot remember when I saw Pinder at this apartment. The Capital Restaurant is downstairs and the apartment upstairs. When I saw

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Pinder he was not with any other accused person.

In the  
Supreme Court

I never saw you there. Alexander Pinder read the Bible to me. I went to bed after Pinder went to bed. I think I went to bed about 6.30 a.m. Pinder went to bed about 5 a.m. Pinder read to me and after he finished, I carried on reading.

Defence  
Evidence

No. 31

10 I never saw Pinder in any car on the night of the 20th. The next day I never saw him drive any car. I remember I got information about the charges the second day after the alleged incident. No, I did not go to the police station - because I heard that his girl friend Beverley had gone there. That's not actually what kept me from going. I am jealous - actually.

Shirley  
Basden  
Cross-  
examination  
(continued)

Cross Examined by Mr. Hilton.

20 I see Beverley at the police station - no one heard that. I was at the police station in a car and I see Beverley. I was in a friend's car - an ordinary friend's car. It was a male friend. I do not know his name - I just asked him for a ride. I saw Beverley by herself. I have been the expected wife of Pinder for about 2½ years. I am planning to marry when he decides to - he is treating me like a lady. In a way he was treating me like a lady on 20th April. I am certainly in love with Pinder - but I did not go to the station because Beverley was there. Alexander Pinder often came to my house and stayed. I live with my grandmother and my baby. 30 The baby will be three on the 24th of this month. I am eighteen years old. I was born in Turks Island.

I have never been in the Fort Fincastle area of Nassau. I do not know where Fort Fincastle is. I have not been in the area south of the sixty-six steps. I saw Pinder on the 21st April. He came to my house when he wanted to and stayed as long as he wanted to. Alexander Pinder is not the father of my baby.

40 Every time I go to the station Fields grabs me and takes me upstairs and says do not bother with the Alexiou family. And I do not like that. I never knew the Alexiou family. I did not want to go to the station because Mr. Fields grabbed me.

In the  
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Defence  
Evidence

No.31

Shirley  
Basden

Cross-  
examination  
(continued)

I did not know anything about the Alexious. I was taken upstairs in C.I.D. about twice. I believe it was about a month before I saw Beverley - that I was taken to C.I.D. When I was taken upstairs - I was not questioned I was told I would be locked up just for hailing Pinder - with my friend Christine Rolle.

I do not know Bernard Darling. The first time I have seen him is when I saw him in the box.

I said Fields came in here and work us up and carry the three of us up in C.I.D. office - Christine Rolle - someone else and myself.

10

Pinder told me about Tobit being cursed. I cannot remember the story. I awoke Pinder up at 6.30 a.m. and we made some love. We read the Bible and made love afterwards. Pinder said he went to bed at 5 a.m. I read my bible sitting on the bed. I only say what I know.

Pinder: I have no more witnesses. Case for Pinder closed.

20

No.32

Clarence  
Rolle

Examination

NO. 32

EVIDENCE OF CLARENCE ROLLE

Clarence Rolle - sworn.

Examined by Darling.

My name is Clarence Rolle. I am a Bahamian. I have been off from Nassau this year. I was off during the Easter holidays. I stayed off one week. I went to Exuma. Yes, I am from Exuma. I do not live in Nassau permanently. I go and spend some holidays - that is school holidays, summer Xmas and Easter.

30

I was in Nassau in April, 1971.

No I am not working - I go to school.

My age is 17 years. I remember on Saturday morning being asked by police, if I would like to participate in a identification parade. I go to Aquinas College. I do not know the police officer who asked me to go on parade. I cannot remember his name. I was on Bay Street when I was approached.

I was standing up talking to a friend. I cannot remember what this police officer looked like. I did not see him today. I do not remember seeing him after the parade - no I did not see him.

In the  
Supreme Court

Defence  
Evidence

No.32

Clarence  
Rolle

Examination  
(continued)

10

The parade was upstairs in C.I.D. I do not think I know the exact number on parade- but it was at least seven or eight. I can not remember what the officer said to me on parade. I do not remember all he said - he said something like stand in a line. That is, all I remember. The parade began - I do not know when. I never objected to taking part in the parade.

I asked police what an identification parade was like - he said about the accused in with others. This is the way I understood. I have been going to Aquinas College one year. I cannot tell you my best subject. I have heard of Maths, Chemistry and Biology.

20

A man was brought into the room and he walked along the line and he identified some one on the line to one of the men. This man picked out none of you three accused persons. I do not know the person's name. He picked out somebody - I saw that person - but he was kind of dark - almost of your height.

I do not know how many persons came to the parade. I do not know how many men came to look at the parade.

30

Yes, some lady came to identify - two women. I do not know their names. I had not seen them before the date I participated in the parade.

Clarence Rolle is my full name. Yes, one of these women touched me. So in all two persons were picked out. The lady did not say why she touched me. I am sure I do not know why the lady touched me.

40

The purpose of the identification parade was explained to me. I cannot remember what he said exactly. After touching me the lady went out of the room - she did not say anything to the man conducting this parade. The policeman never said anything to me. I can say that all these ladies touched someone. So that would make three.

Police did not tell me that I could go. After the parade in C.I.D. I went to the hospital and took

In the  
Supreme Court

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Defence  
Evidence

No.32

Clarence  
Rolle

Examination  
(continued)

Cross-  
examination

part in the hospital parade. There were three parades held in C.I.D. and I took part in all three of these parades - and one in the hospital. I saw one men being picked out at the hospital. That man I saw picked out was Pinder.

I took part in four parades. After the parade in the hospital I went home.

Cross Examined by Pinder.

You were picked out. I remember I was on the parade you were on at C.I.D. I do not remember a lady being told to pick out anyone she could remember seeing.

10

Policeman said - a parade is being held, in which the accused was placed - to see if any of the people would identify any one they saw in my home - I think so.

I know I was in my bed on the night of 20th/21st April. On the parade you were on, I remember I was touched by a lady at the C.I.D. parade. I did not hear the lady say anything. I have no idea why this lady touched me.

20

Cross Examined by Mr. Hilton.

I am aged 17. I was on three parades at C.I.D. Someone came on a man and picked out someone and I call that one parade. Yes, a woman was brought on to another parade that I was on. The same people stayed on the second parade as on the first. On this second parade someone was picked out by a woman. I think that person was somebody else. There was then a third parade at C.I.D. The same people were on this third parade as on the other two parades. Another person a woman viewed the third parade and she picked out me. I remember seeing Pinder on one parade only. I do not remember which particular parade I saw Pinder on. As far as I remember all the same people were on the three parades. I remember seeing a police officer who

30

appeared to be conducting these parades. I do not remember hearing that police officer's name. I cannot remember if that police officer was sitting up or standing down. I do not remember seeing any police album with that officer.

In the  
Supreme Court

Defence  
Evidence

No.32

10

At the hospital I took part in one parade. Accused Alexander Pinder was on that parade. I cannot remember if Pinder was the last one to come on that parade.

Clarence  
Rolle

At the Princess Margaret Hospital, I saw a woman coming on to this parade. She came out of a room. I do not remember if the woman's room was open or not.

Cross-  
examination  
(continued)

20

We were numbered on the parade - I do not know the police officer. I was number one on this parade. I do not know - I do not remember seeing any photographs to any woman, by the police. I do not remember Pinder saying this is foolishness and making loud noises. Yes, I saw Pinder being picked out - and no one else on the same parade. I was not at the hospital not too long before the parade I was on took place. I did not notice a parade before the one I was on - I did not see a parade after the one I was on.

Cross Examined by Pinder by leave.

I would know if I saw a police photo album. It is a book with pictures. I have not been in trouble before.

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NO.33

No.33

EVIDENCE OF KENNETH HUTCHINSON

Kenneth  
Hutchinson

Kenneth Hutchinson - sworn.

Examined by Pinder.

Examination

40

I remember in April in 1971 I was invited to C.I.D. At that time I had no knowledge of what I was going there for. When I got there I was told the reason. Yes, I was placed on a parade, on which Alexander Pinder was placed and standing next to me. I know who conducted this parade - Inspector Fields. On this parade, the first witness who came was a man. He was told the purpose of the parade. I remember



In the  
Supreme Court

the man asking Mr. Fields if each man on the parade could say "stay under your covers". And this was done by each man respectively. Mr. Emmanuel did not tell Fields why he wanted each man to say this.

Defence  
Evidence

No. 33

Kenneth  
Hutchinson

I was picked out. At first on Saturday morning, the date I do not remember - I was heading through Bank Lane to Bay Street. Mr. Crawley was on the balcony of C.I.D. As I passed there, he said to me - "young man would you step here for a minute". I went upstairs and he told me that we are having an identification parade - do you mind volunteering. I told him no I do not mind. So he sent me in another room, to Mr. Fields, and said this is another one. Mr. Fields asked me my name and I told him - Kenneth Hutchinson. So afterwards, he put me with some other men in a back room upstairs in C.I.D. - how long I stayed there I do not know. So later on a C.I.D. man came in that back room and said "form a parade". So I went on this parade. Later on to learn at the hospital, that this parade was number two.

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Examination  
(continued)

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I attended on parade at C.I.D. Three persons came to identify, I was not the only person picked on this parade at C.I.D. Two persons including myself were picked out in this parade. The man who came in had the men say "stay under your covers". This was done. First of all Mr. Fields told them all to say "stay under your covers" altogether. Then as he passed down the line he told Mr. Fields to tell the men to say it "one by one". This was done individually. Yes, Pinder was on this parade. The men said it - Pinder said it.

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Cross-  
examination

Cross Examined by Darling.

Yes, everybody said the words one by one. Pinder was on my left side. Yes, I was picked out by the last witness - a woman. I was sure I was only picked out by this woman. I was not picked out by this witness - but a man called Butterfield, was, who was standing at the extreme end to the north. On the parade, I was on, Pinder was not picked out.

40

Cross Examined by Mr. Hilton.

My name is Kenneth Hutchinson. Yes sir, I was in the identification at the hospital. I was in the identification parades at the C.I.D. Yes,

Butterfield was picked out of the parade at C.I.D. At the same parade another person was picked out by a lady. Then another lady came as a witness on the parade. This lady picked out me. And Alexander Pinder was on that parade, and he was on each parade as I was

In the  
Supreme Court

Defence  
Evidence

No.33

10 When this third person, who was a woman, picked out me, the parade I was on at C.I.D. was then dismissed. I remember very well Butterfield being picked out by Emmanuel Alexiou and then another man a "Rolle". The numbers of the men as they stood on parade I cannot remember. I, Rolle and Butterfield were picked out - then Rolle and then me.

Kenneth  
Hutchinson

Cross-  
examination  
(continued)

I know a "Rolle" was picked out but I do not know the christian name. I was at the parade at C.I.D. This third witness viewing the parade picked out me Kenneth Hutchinson. A man was the first person to view the parade.

20 I cannot remember my own number in the hospital identification parade - nor my number in the C.I.D. investigation. I was not keeping check. Mr. Fields conducted the parade at the hospital. I really would not know if Crawley did. At the hospital, Fields told me and the rest involved in that particular parade, to come this way to the east.

Only one witness viewed the parade at the hospital. Yes, Pinder was on that parade, at the hospital. This woman picked out Pinder but no one else was picked out because we were dismissed.

30 Yes, I saw Mr. Crawley at the parade, when it was going on. I really cannot remember what Crawley did - I saw Fields, but I did not see Hercules. I saw no one with photograph albums at the hospital. I am not lying when I said I was picked out by the third witness at the parade at the C.I.D. If Clarence Rolle said he was picked out by this third witness he will be lying. I have been charged with causing grievous harm. I pleaded guilty. I know I am here to speak the truth.

40 Re-examined.

Re-examination

I saw Clarence Rolle (identified) on a parade at C.I.D. and at Princess Margaret Hospital, when Pinder was on parade.

In the  
Supreme Court

By the Court: Clarence Rolle and I were on the second parade together at the C.I.D. and at Princess Margaret Hospital.

Defence  
Evidence

I remember the woman touching Clarence Rolle (identified) in the second parade at the C.I.D.

No. 33

Kenneth  
Hutchinson

Re-  
examination  
(continued)

No. 34

NO. 34

Alston  
Rolle

EVIDENCE OF ALSTON ROLLE

5th December, 1971

Examination

Alston Rolle - sworn.

5th December  
1971

Examined by Darling.

10

I am a Bahamian. I remember taking part in an identification parade on 24th April of this year.

I took part in four parades. I was on Bay Street when I was asked to take part in these parades. I cannot remember the police officer who asked me to take part. He was wearing civilian clothing. It would not be possible for me to recognise him if I saw him again. He did not explain to me the procedure and the reason for taking part in the parade. I raised no objection to taking part. I cannot remember exactly what took place at the police station. I cannot remember the police officer who conducted these parades. Nor do I know his name.

20

When the parade took place, there were seven or eight persons in a line, and then the officer asked two women and a man, to come in and identify anyone in the line. I cannot remember if any of the two women said anything to the police officer, who conducted the parade.

I do not know if it was possible for either of

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10 these two women to have said anything to the police officer at the time of the parade. I cannot remember what the police officer said to these two women folks. I only remember that one of the women pointed on me, and the other woman pointed out another "guy". I cannot remember if the woman who pointed me out said anything at the time she pointed me. After the lady pointed me out I cannot remember what then took place. I do not see the other person pointed out in Court today. Neither Pinder nor Farquharson were the two men pointed out. It was not the same lady who pointed me out and who pointed out the other person. I am very sure of that. This other person who was pointed out besides myself was Clarence Rolle.

20 I do not know the reason why the woman pointed me out nor the reason why the other pointed out Clarence Rolle. I remember seeing Pinder on parade. I do not know Pinder. I am positive Darling was not on that parade. On the parade that I was on, another person was pointed out - that makes three in all.

I cannot remember seeing Darling in any parade that I was on. I cannot remember - but it was a man I think, who picked out another person. I am sure it was not Darling who was picked out. I cannot remember if the police said anything at the end of the parade. Yes, I took part in the parade at the Princess Margaret Hospital in Nassau. I do not remember if the police asked me if I would like to take part in the Princess Margaret Hospital identification parade.

30 I do not remember what took place at the end of the police identification parade at the C.I.D. I went to the Princess Margaret Hospital with Mr. Bullard. He took some others - I cannot say who they were or how many there were. I cannot remember if there were 3 or more persons. I was taken to Princess Margaret Hospital by car - Mr. Willis car - a "Duster" car - a purple car.

40 When we arrived at the hospital, the police officer, who, I do not remember took us in the hospital and then he asked us to come inside the hall - and then they brought Pinder in - and then a woman was rolled out in a chair - I cannot remember if she was rolled out by a man or woman, and then she picked Pinder out. I remember nothing else. I do not remember if the police said anything to us at the time of the parade. I think the police asked Mrs. Alexiou to identify anyone who had entered her house. I cannot

In the  
Supreme Court

Defence  
Evidence

No. 34

Alston  
Rolle

Examination

5th December  
1971

(continued)

In the  
Supreme Court

Defence  
Evidence

No.34

Alston  
Rolle

Examination

5th December  
1971

(continued)

remember if the same thing was said by the police at the C.I.D. identification parades. I saw the woman (Mrs Alexiou) coming out of one of the rooms. I saw the room out of which she came. I know Mr. Fields. I do not know Mr. Crawley by name.

I cannot remember seeing Mr. Bullard about at the time - I do not know if he was there. I cannot remember exactly where I was standing on this line. I cannot remember the number of people on this line.

10

The room of Mrs. Alexiou was closer to the parade than the witness box to the dock in this Court. I do not remember if I saw Mr. Fields at the parade. I have known Mr. Fields for six months - that is after April. I only saw him April for the first time - but I did not really know him. I do not remember seeing Mr. Fields before April, 1971 - that is seven months ago.

I have seen Mr. Fields in few times since April 1971. Yes, I could recognise him now if I were to see him. I never saw Pinder before the identification parade. I did not see Mr. Fields this morning. I cannot remember when I last saw him.

20

I have known Mr. Bullard for a few years - four or five years. I did not see Mr. Bullard this morning. I remember Pinder was picked out at Princess Margaret Hospital because of his face. Of course, I saw who Mrs. Alexiou touched. Pinder was not standing next to me when the lady touched him. I cannot remember if he was two or three places away from me when he was identified.

30

Before the lady touched Pinder, she was rolled up and down the line - but I cannot say how many times. Mrs. Alexiou was not "wheeling" herself at the time. I do not remember if I saw a nurse, at the time. I do not remember who pushed her. I do not remember what she was wearing. I could not recognise this lady again - I have seen her but once. I have no idea where that lady is now. I do not know who touched me - nor the clothes she was wearing. She was certainly not as tall as me. I cannot remember if anyone else was touched apart from Pinder.

40

It do not have to be - if I saw or could not see anyone else being touched - at the hospital.

I saw Police Officers at the parade at the hospital in civilian clothes. I do not remember how many.

In the  
Supreme Court

This man told us to go into the hall - I cannot say, if he was police. It was not Mr. Bullard. I do not know how tall he was - I do not remember his complexion - nor the clothing he was wearing.

Defence  
Evidence

No. 34

I am not well. Sure, I know colours. I cannot remember what clothing I wore at the identification parade. I do not remember what clothes Pinder was wearing at the parade. Pinder was wearing a shirt and pants. I do not know if he wore tennis or shoes.

Alston  
Rolle

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Examination

I am a school boy - aged 16 at Aquinas College. We have a school uniform. I cannot remember when I saw Mr. Bullard last - I saw Mr. Fields on Friday midday. We did not speak.

5th December  
1971

(continued)

A police officer gave me my summons to attend Court. I could identify him. I do not know his name. He gave me a piece of paper, at home, last Wednesday afternoon. I live in the Grove. I do not know Mr. Hercules. The parade was held on the first floor of the hospital - I call the ground floor, the first floor. Identification parade was not held on a school day. I do not remember if there were any other police in Bullard's car. Yes, some of the men in Bullard's car took part in the parade. I know some of ~~these~~ men - Clarence Rolle was one of them. I am not a relative of Clarence Rolle. Darling and the other accused persons were not in Bullard's car. I do not know if it was Bullard's own car. Identification parade took place on Saturday 24th April, 1971.

20

30

Identification parade at hospital - I cannot say when that took place. C.I.D. parade took place in the morning before 12 noon. I came on Bay Street that morning - about 9 a.m. outside Kentucky where two police officers invited me to the parade. At hospital parade, I did not see any officers in uniform. I do not think I could identify either of the officers again.

40

At C.I.D. office I was taken inside a room with others - I cannot say.

Mrs. Alexiou is "white" and elderly. Do not remember if she wore spectacles. I looked in Pinder's

In the  
Supreme Court

face. Cannot say how many men were on parade. I cannot remember if she Mrs. Alexiou said anything.

Defence  
Evidence

I was told I could go after Pinder's parade - I cannot remember the height of the man, who told me to go. Fields conducted the parade - I do not remember what he said. Fields said something to me on parade - I do not remember when. Three of us wrongly identified. I do not know in which order. I cannot remember Clarence Rolle's clothing. I can remember nothing else that took place on the day than I have said.

10

No. 34

Alston  
Rolle

Examination

5th December  
1971

(continued)

Cross-  
examination

Cross Examined by Pinder.

I was on the parade you were on. Mrs. Alexiou viewed the parade and then she touched you. When she touched you I cannot remember anyone coughing. I do not remember if you were taken away immediately after you were touched. I remember telling Darling that you were taken away after you were touched. I do not know exactly the time. I am sure I was on the parade you were on. This parade took place on the first floor of the hospital - on the downstairs.

20

Yes, I have known Mr. Bullard four or five years. He never told me to come in Court and say what you are saying now. I do not know the Prosecutor. I am not telling a lie. I was on the parade. You could have seen the same thing as I saw on the parade.

I cannot remember if at C.I.D. the witnesses were told to identify anyone if they could. On the parade you were on four persons were identified. Yesterday - I was not speaking with Mr. Fields. I never spoke with any police officer today.

30

Three persons were picked at C.I.D. office and one at the hospital.

The witnesses came to identify any one they had seen in their house. A woman was the first of the identifying witnesses. I am not sure of this. I

was on your parade. I do not remember if a man was the first to be called as a witness. I do not remember the man witness asking those on parade to say or do anything. I and Bullard do not have conversations. I do not remember the men on parade saying - "put your head under your covers". I do not remember four people being picked at C.I.D. I do not know the name of Kenneth Hutchinson.

In the  
Supreme Court

Defence  
Evidence

No. 34

Alston  
Rolle

Cross-  
examination

5th December  
1971

(continued)

10 I know Clarence Rolle. I was kept in a small room after I was picked out at the parade. I cannot name the other men in this small room. Clarence Rolle was there. I cannot remember you telling me I did not know those who were there. I was picked out by a woman, at the C.I.D. parade. I do not remember if the police officer said anything to her before I was picked out. I do not think the police told the lady who picked me out anything before the identification parade. I did not hear police say anything to the witnesses prior to their identifying anybody. The lady just came and pointed at me. The lady did not say why she pointed at me. I am supposed to be in the dock. You were not picked out at C.I.D. Yes, I was picked out at C.I.D. I was not twice picked out. I was picked out once only. You were picked out once only. Yes, the two of us were picked out. I do not know why you were picked out. At the hospital the lady who came to identify was not walking. I do not know what your position on the parade was.

30 You were not close to me when the lady came on to the parade. The lady was rolled along the line - she looked at the men on the parade - and then she picked you out - she rolled up the line and then going up the line again, she picked you out. I do not remember hearing a police officer cough as she came up to you. The lady in the wheel chair was not wheeling her chair. I do not know if it was a man or a woman who was controlling the wheel chair. I do not remember if the lady was in a night gown or not. No one told me that you were picked downstairs at the hospital. I saw you being picked out downstairs at the hospital with my two eyes.

40 Bullard never brought me anything at any time. No he gave me no money yesterday - nor on any other day. The man who was conducting the parade did not come out with Mrs. Alexiou from her room. I am not a friend of the Prosecutor. I only saw the person



In the  
Supreme Court

pushing the wheel chair.

Defence  
Evidence

I do not know if it is possible for a man to have come out with the lady, at the hospital from her room. It is not possible. I do not know how you were taken away after your identification - a man took you away. I do not remember if you were taken away immediately you were picked out.

No. 34

Alston  
Rolle

I do not know how you were brought to the hospital. I only know Clarence Rolle. Three men were picked out at C.I.D. and of those three I was one. The three men were kept in a room along with the other men of the parade. I do not know a man called Anthony Butterfield. The other fellow who was picked out was taller than me. Yes, he was of my complexion. I have not been paid.

10

Cross-  
examination  
(continued)

Cross Examined by Farquharson.

The C.I.D. office is across from here. I was invited to take part in a parade - in the morning. I was then standing outside Kentucky. When police asked me if I would take part in the parade. I did nothing. Getting to the C.I.D. we went inside a room. Roughly this room was about half the size of the Court room. When I got into this room, I saw no one else there. But I came in with the fellows I came with - four persons including me. I do not remember how many persons took part in the parade at C.I.D. The men on parade were side by side. I do not remember police saying anything, to us when we formed a line.

20

Three persons came to identify at the C.I.D. - I am sure it was not four. The first person to view the parade was a woman. The second person was a man. The third person was a woman. A woman picked me out - the first woman who came to identify.

30

On this parade, I was the first person who was picked out. I do not know the young man who was picked out secondly. Clarence was picked out third. I do not know the man who conducted the C.I.D. parade. After I was picked out the man who was conducting the parade did not say anything to me. I cannot remember what happened after I was picked out. I took part in Princess Margaret Hospital parade also.

40

I left C.I.D. office - I have no idea at what time.

I do not remember seeing you at C.I.D. I went with Bullard in his car to hospital, a C.I.D.

In the  
Supreme Court

I cannot remember the time we got to Princess Margaret Hospital. I did not know the purpose of the C.I.D. parade. I do not know the reason for the people to come and pick persons out of the line.

Defence  
Evidence

No. 34

Neither Darling nor Pinder did I see picked out at the C.I.D. Pinder was in the same parade as me at the hospital. At the hospital I went downstairs. At the hospital I do not remember seeing any police in uniform. I do not know how long it was after I reached hospital, that the lady was wheeled out of her room. I know Mr. Fields. I cannot say the number of men who were in the line. I do not remember seeing Mr. Fields at the hospital. I saw where the lady came from - a room. Where the parade was in the hospital was an aisle, with a door to the west.

Alston  
Rolle

Cross-  
examination

5th December  
1971

(continued)

Cross Examined by Mr. Hilton.

Yes, Bullard took me to Princess Margaret Hospital. I have been to the hospital before. We went into the hospital through a door on the south end.

I came through an area where ambulances are parked. I think I know the main entrance to the hospital, that is on the same floor as the floor I came in through the door on the south. We then went eastward to the private ward. I had to wait a while before the parade was formed. I do not know if at the time I got to the hospital, another parade was in progress.

Before Pinder was brought in a line was formed with me and some other men. I do not remember who formed us in a line. There was a man who told us to stand in a line. I did not see that man going into a room.

I do not remember any noise or shouting when Pinder was brought in. I could see the door of the room from which the woman was brought. I do not remember whether anyone had to knock at her door - or whether it was open. I was only about from the box to the Court table from the room. I was standing at a slant to the open door way. I do not remember before the woman was brought out being able to see inside that room. I do not remember anyone showing any pictures to

In the Supreme Court the identifying witness (i.e. Mrs. Alexiou). I had not been into the private ward before.

Defence Evidence No. 34 I do not remember if Pinder was removed at once or not. I then went home. Yes, I remember Clarence Rolle being on parade - Pinder was on parade. There were three persons who came to view the parades.

Alston Rolle I think Clarence Rolle was picked out - by the last witness - a woman. I remember Pinder's face - he was the last one to be brought on parade. 10

Cross-examination

5th December 1971  
(continued)

Re-examination

Re-examined.

I have not been put up to all this. The parade took place on the bottom floor - a private ward. Of course, I know a private ward, this morning I just remember. I did not say that four persons had been identified excluding me this morning. I do not remember you asking me if Fields was there or not - at the Princess Margaret Hospital. I did not take notice of any one's faces. I know Clarence Rolle.

I cannot remember the other peoples faces who were picked out on parade. I do not know where they were standing. I do not know how far Pinder was from me, either. 20

Darling: I want the Attorney General as a witness because he prosecuted.

Court: Application is refused in the circumstances.

Darling: I refuse to call my parents or any other witness of fact - I demand the witnesses whom I have asked to be subpoenaed.

Members of the Jury: The accused Darling when asked by me during the course of the trial said he wished to call as witnesses his parents. He also asked for certain witnesses to be subpoenaed - Clarence Rolle, 30

Alston Rolle and Kenneth Hutchinson. To this application for these three witnesses, I agreed and these witnesses gave evidence for the defence.

In the  
Supreme Court

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Darling also asked me to subpoena the Governor about a letter of complaint to the Governor by him. (2) Mr. Milo Butler about his not providing tape recording apparatus at Darling's request. (3) Magistrate Hercules for his conduct of the Preliminary Inquiry. Well that is not your concern. (4) Mr. Isaacs about general principles of law. (5) and (6) Mr. Lobosky and Mr. Bostwick about some remarks made by them on the radio. Those remarks would not help you in reaching a verdict.

Defence  
Evidence

10

I refuse to issue subpoenas in these cases.

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NO. 35

No. 35

EVIDENCE OF ANTHONY BUTTERFIELD

Anthony  
Butterfield

Anthony Butterfield - sworn.

Examination

Examined by Pinder.

20

By accused Pinder and Darling - this is not the witness - who was at the identification parade. We do not ask any questions.

Cross Examined by Mr. Hilton.

Cross-  
examination

I was at the identification parade at C.I.D. on 24th April and at Princess Margaret Hospital, Nassau. I remember seeing Pinder on parade.

Darling: This is not the Anthony Butterfield on the parade.

30

Darling: I am not calling any other witnesses, unless those whom I asked the Court to subpoena are called. I refuse.

Court: In the circumstances the defence is closed.

Mr. Hilton tries to address the Court. He is interrupted again and again by Darling and Pinder. They try to make speeches to the public - turning their backs to the bench.

In the  
Supreme Court

At this stage Farquharson makes protest and interrupts, it is impossible for Mr. Hilton to begin his speech. Accused persons are removed from the Court by order of the Court.

No. 36

NO. 36

Judge's  
Summing Up

JUDGE'S SUMMING UP

Mr. Foreman, Members of the Jury:

You have now heard all the evidence in this case and the addresses of Mr. Hilton for the Prosecution and of the accused persons Farquharson and Pinder and it now falls to me to sum up this case to you. Any matters of law are my responsibility and the directions on the law you must take from me. But the facts are entirely your province - you are the sole judges of the facts - and if I say anything that may appear to indicate that I have formed any view of the facts or any particular fact you should not pay any attention to what I have said. The conclusion on the facts, as you find them to be proved, is entirely for you.

10

20

Now first of all I must direct you on the burden or onus of proof.

In a criminal case the burden of proof falls squarely on the prosecution and that burden of proof rests on the prosecution throughout the whole case. There is no burden or duty on an accused person to prove his innocence. It is for the prosecution to prove the case against any accused person - to satisfy you beyond any reasonable doubt that his guilt has been proved. You must be sure in your minds that the prosecution has proved all the elements of each of the offences charged and that the accused committed these offences.

30

It is only after you are satisfied beyond doubt with regard to all those matters that you should return a verdict of guilty. If there is any reasonable doubt in your minds, then your verdict should be one of not guilty.

Now the offences charged in this case are murder, attempted murder, robbery and burglary.

In the  
Supreme Court

Murder is defined in Section 336 of our Penal Code and I will read it to you:-

-----  
No. 36

"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 is mentioned later in the Act."

Judge's  
Summing Up

10

The question of manslaughter, of course, does not arise in this case.

Thus you see the elements in this charge that the prosecution have to prove are, first of all, the death of Anthony Alexiou; that his death was caused by bodily harm unlawfully inflicted; that the harm was intentional, that is to say that it was deliberate and unprovoked, as for example by that is one of them firing a gun and that the accused that is one of them caused the death by the unlawful harm.

20

As regards the charge of attempted murder, well, that offence has the same elements as murder, with this difference that the unlawful harm that was intentionally inflicted did not in fact cause death - because obviously, if it had, it would have been murder and not attempted murder

30

As regards the other offences charged, robbery is defined in our Code as stealing accompanied by violence or threats of violence or threats of violence to any person or property used with intent to extort the property stolen or to prevent or overcome resistance to its being stolen.

40

Burglary means the offence of housebreaking by night and a person breaks a building if with intent to steal, as is alleged in this case, he uses any force or threat to any person in the building or causes damage to anything which is in or forms part of a building or forces or undoes a lock or opens a window.

Now where more than one person is charged with one offence - as in this case where there are three,

In the  
Supreme Court

I must direct you on the law as to joint  
responsibility.

No. 36

Judge's  
Summing Up  
(continued)

As regards the offence of murder - if you come to the conclusion in this case that the death was caused unlawfully and intentionally as I have tried to explain, so as to constitute the offence of murder, by one of the persons in the house on that night, then the question arises of the responsibility of the others for that offence. One only of them actually fired the shot which proved fatal, but in law, if two or more persons combine to effect a common object as for instance, in this case, the breaking and entering of the Alexiou household and if their common design or the plan as they each understood it included the use of whatever force was necessary to achieve that object including their escape if resisted, even if this force involved killing or doing grievous harm, then if one of them in pursuance of this common design uses such force with fatal results they are each and all responsible for the consequences. So in this case you must firstly consider whether one or other of the accused fired the fatal shot that night. If on the evidence you are satisfied as I have previously tried to explain, that that act amounted to the offence of murder on his part you may convict him of murder but as regards the others you should not convict them even if you are satisfied that they were present that night, unless you are also satisfied that they were all acting with a common purpose, that that common purpose or the furtherance of that common purpose involved the use of force if necessary of extreme force to effect it and that the firing of the shot - the force in this case, was an act in pursuance or that furtherance of that common purpose. In other words that there was in their minds at the time an intention to use whatever force, however extreme, to secure their object of their safety.

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If you are not so satisfied, you should acquit the others of the charge of murder and if you are satisfied that his act constitutes murder convict the one who fired the shot.

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The same principles apply with regard to the charge of the attempted murder of Mrs. Alexiou. You must first decide upon all the evidence before you whether one of the accused persons fired the shot

which wounded Mrs. Alexiou and if so whether when he did so he intended to kill her so as to constitute the offence of attempted murder. If you are so satisfied then you may convict him but you must not convict either of the other two accused on this charge, whom you are satisfied was present that night, unless you are also satisfied that there existed between them the common design involving the use of force if necessary to effect their purpose of their escape. Again, you have to decide whether there existed in their minds the intention to use force extending to extreme force to secure their object or safety.

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(continued)

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As to the charges of robbery and of house-breaking again I must remind you that you must not convict any one of the accused unless you are satisfied upon the evidence that he was present and taking part or was party to a common design to commit the offences even although you convict one or more of the others.

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Now let us deal with the case for the Crown.

You will probably have little difficulty in arriving at the conclusion that Anthony Alexiou died as the result of a bullet wound he received in the early hours of 21st April. You have heard the evidence of the pathologist Dr. Margaret Read of Princess Margaret Hospital, Nassau. She has told you of her examination of Mrs. Alexiou's body and she said that in her opinion death was due to a "bullet wound of the chest" and she identified in Court the bullet which she extracted from his chest.

(sic)

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And similarly you have the evidence of Dr. Esfakis in the case of Mrs. Alexiou, the widow whom he examined on 21st April. She had a bullet wound in the right breast. He described it and said that the bullet is still located in the chest wall.

He also said she had a bruise or bruising on the left arm. He said he could not account for the date at the top of the official report of the examination made to the Police - of 24th April. However, if you think there is anything in that - it was made much of by Darling, the third accused, you can take this report with you when you retire and look at it.

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He also examined Mrs. Klonaris on 21st April and said that she had a superficial skin wound about 3" long on the left upper arm, a bruise on the right shin and one on the left thigh. Again as in the case of the bruise on Mrs. Alexiou he said these injuries were consistent with her either being hit with something or herself falling against something.

As I have said, you may very well have no difficulty, in arriving at the conclusion that Anthony Alexiou died as a result of a bullet wound he received in the early hours of 21st April and on the evidence - and remember the facts are for you - in the circumstances described by Mrs. Alexiou, Mrs. Sandra Alexiou, her husband Emmanuel Alexiou and her daughter Mrs. Klonaris. Again, you may have little difficulty in arriving at the conclusion that Mrs. Alexiou, the widow, received her bullet wound in the circumstances which she described.

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So far as the other charges are concerned - robbery and burglary - well, you have heard the evidence of Emmanuel Alexiou that he checked the house before retiring for the night - after 2.30 a.m. and saw that all windows and doors were closed. Later on in the day, that is later on, on the 21st April on his return from the hospital, where his parents had been taken, he saw that the bathroom window in his bedroom had been pushed right up and the screen had been removed. The window had been originally screwed to allow it to go only half way up and the screws had been removed, allowing it to be fully pushed up and he said that a person could easily get through the fully opened window in those circumstances. If you believe his evidence he saw two of the screws lying on the porch, outside the bathroom window. You will also remember his evidence that the bathroom led directly into his bedroom, the door of which was locked in the inside.

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You have also heard the evidence of John Crawley, Assistant Commissioner of Police - he examined the scene and took you through an album of photographs which you have had shown to you. He said he saw a particular finger mark on the lower portion of the sash of the bathroom window - he found a screw on a table right below the window and he noticed a number of marks on the door facing of the bathroom and on the bathroom door - which appeared to have been caused by a sharp instrument.

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You may very well on the evidence - without my repeating any more of it - come to the conclusion that some person or persons broke and entered the house via the bathroom window and that some persons by threats of violence stole money and other articles - the property of Mrs. Sandra Alexiou.

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10 But assuming you have reached the conclusions upon these matters I have just put to you, the important question, first and foremost - is whether or not the persons accused today - Farquharson, Pinder and Darling or any one of them was the same as the persons who broke in that night and committed the offences of which they have been charged.

20 When you are asked in due course to find a verdict in the case of each, you will bear in mind what I have said about the onus of proof - that each one must be proved to be guilty before you return a verdict against him. Again, you will bear in mind the absolute necessity of considering the case of each one separately, and to ask yourselves whether you find it proved, for sure, that each was participating in a common design, in committing these crimes as I have already directed you in the earlier part of my summing up. If that common design is not proved then that person only, whoever it was who fired the shot would be guilty of murder - if you are satisfied that his act constitutes murder - and you should acquit the others and the same principle applies as regards the charge of attempted murder.

30 In the same way, you must, as I have said carefully consider the evidence against each accused and the case - as regards the robbery and burglary counts - and not convict all or any one of them unless the evidence satisfied you that they were present and unless the evidence satisfied you that they took part.

40 I now turn to evidence given by members of the Alexiou family. Their evidence consists of identification. Now, you must be very careful about this - identification of anyone, particularly one you have never seen before, is you may think and, indeed know, from your own experience of this often a difficult matter. You must consider this part of the evidence with great care. Consider all the circumstances - the upset and turmoil in this household in the early hours of the morning: the sudden

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rousing from slumber; the amount of light there was; the proximity of the witnesses to any one of the intruders; the opportunity and length of time the witnesses had to see the faces of the intruders. Consider too the mis-identifications that were made by some members of the Alexiou family and the possibility of mistake in identifying one or other of the accused when mistakes were made in identifying others who apparently had nothing to do with the crime. These considerations bear particularly in mind all the time. I will now deal with the evidence of each of the prosecution witnesses.

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First of all Mrs. Ypapanti Alexiou:

She described to you how she was awoken -- by her husband jumping out of bed -- and his opening the bedroom door. She saw a man outside whom she identified in Court as the third accused Darling. There were lights on. He had a cutlass or machete and demanded money. She said she, her husband and her daughter Mrs. Klonaris struggled with this man. Then she turned, after handing her grandchild to Mrs. Klonaris and she said she then saw two men standing at her son's bedroom door -- she said later inside the room -- one man wearing a white shirt with a gun in his hand and the other holding a basket. In Court, this witness told us that it was the accused Pinder who had the gun and that the accused Farquharson had the basket. She then said that she heard a gun fired and felt a burning in her right breast. In cross examination she said the gun was pointed at her. She then told us how Farquharson ran out of the house, followed by Darling, that the man with the gun (Pinder) stood holding the porch door until Darling had also gone out of the house and that he Pinder then fired a shot, which hit her husband. You will note that both Farquharson and Darling had left the house when, according to the witness, Pinder fired the fatal shot.

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She said in examination in chief that on a Friday or Saturday she was brought a couple of sheets of photographs of different people like an album and that she picked out the men she saw in her house on the night in question. Now the date of the incident was 21st April, that was a Wednesday and Friday would be the 23rd and Saturday the 24th. In cross-examination she said she was shown photographs of

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10 Farquharson, Pinder and Darling - but they were not  
the only photographs shown to her - if you accept  
her evidence and that of the Police. About 14  
photographs altogether were shown to Mrs. Ypapanti  
Alexiou. Inspector Hercules said he showed her  
the pictures on 22nd April, and that day was a  
Thursday. Mrs. Alexiou in re-examination said she  
was not shown the pictures on the 24th the day of  
the identification parade. There is then a slight -  
you may think - conflict between Mrs. Ypapanti  
Alexiou and Inspector Hercules about the exact date  
she was shown photographs. You must consider  
whether Mrs. Alexiou is the more likely to be right  
or the Police Officer. But the main point is, you  
may feel that she was not just shown photographs of  
Pinder and Darling only but of others as well. You  
will recall, too, Mrs. Ypapanti Alexiou saying that  
among the photographs she was shown there was one of  
20 Farquharson but Inspector Hercules told you that the  
photographs shown to Mrs. Alexiou did not include  
one of Farquharson.

Then at the Princess Margaret Hospital identity  
parade on the 24th April she saw three groups of  
men. In the first group she picked out Darling.  
In the second group she picked out Pinder. In the  
third group she picked out nobody. She said she  
was then too upset. But the fact of the matter is  
that she did not pick out Farquharson at the  
identification parade. He was in the third group.

30 You must ask yourselves the influence, if any,  
the showing of these pictures of men including  
accused persons had on this witness when she came to  
the identification parade - the time she was shown  
them and the circumstances and you will not forget  
that Farquharson whose picture had not been shown to  
her was not picked out at the parade. She identified  
in Court Farquharson and she told you her reason for  
not identifying him at the parade.

40 In cross-examination she replied to Darling that  
she was excited having seen him and Pinder already.  
When it came to the third group of men being shown to  
her she also added when re-examined that everything  
was then a "blur".

She said in cross-examination that she gave the  
police a description of what the men were wearing  
but not of their features. She said the man with the

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gun had a white shirt, but she could not say anything about his pants nor about the pants that any one of them was wearing. Darling had had on a striped shirt and the man with the basket a dark shirt. None of the clothing produced in Court was identified by this witness. She also said that a nurse pushed her in a chair to the identification parade and she said she might or might not recognise her if she saw her again. Well, that was a point made by the accused in their attack on the powers of recollection and of identification of this particular witness. That, members of the jury, covers the substance of her evidence.

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Sandra Alexiou, the daughter-in-law of Mrs. Ypapanti Alexiou, described the circumstances in which she woke up and she said she saw a man at the doorway of her bedroom. Lights were on in the corridor and bathroom which adjoins her bedroom. When she called out "Who is there" she said the man ducked behind the door - in her note of additional evidence - she did not give evidence at Preliminary Inquiry - "The man ducked into a crouch and crawled by the bed." She said she saw a man standing right beside the bed with a gun in his hand. She and her husband were told by someone to put their heads under the covers, which they did. When her child screamed, she put her head out of the covers again and she saw another man in the room.

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Someone said, "where is the money?" She replied, there was money in a drawer by the bed. Then she heard noises outside her bedroom door and she saw a struggle going on with a man with a machete. She said, "the man with the machete I had seen in my room before. I was able to see the man's face in profile. I could see the face of the man outside the room with the machete. Where he was it was quite lit."

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She identified this man as Darling in Court.

She described the property she later found to be missing - Canadian and American money some \$50.00 or \$60.00, a straw basket, containing a 40 oz. bottle of Bacardi rum, a photo album and some beads and some other articles. She identified some of her missing property in Court.

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On the 24th April, 1971 she took part in an

identification parade at the police station. She picked out Darling in the first parade. In the second she said she picked out a man but she admitted she was mistaken about him and in the third group she did not pick out anyone.

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10 She denied in cross-examination that she had been shown any pictures of anybody before the identification parade. She also said in answer to Darling that when she first came into the room, when the first parade was being held - which included Darling - she said she was "not sure." She said she was upset. She also admitted that she had picked out a second man "literally in a panic." She added, "I was frightened and I did not know I was picking out anyone in particular."

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20 In further answering Darling's questions she said she did not recognise Pinder on parade but, "I did tell police afterwards that I could identify Pinder." But she did not identify Pinder at the parade.

She said to Darling that the man with the gun had a white shirt on - and that his trousers were dark. You will remember that she had a good look at the man with the gun and a brief look at the other man's face. She said she looked squarely at the man with the gun who was right beside her and that she saw Darling's profile. She was recalled by Darling but there was nothing material in her further evidence that I think I need comment on.

30 Well, even allowing for a state of panic you may think this witness made some damaging admissions about the way she picked out apparently the wrong man and about Pinder and you must take these points seriously into account when you are considering her reliability in her identification of Darling at the parade (and of Pinder in Court).

40 Then Emmanuel Alexiou gave his evidence. He remembered his wife waking him up and he said he saw two men, one standing at the head of the bed and the other at the foot. One of these men had a gun and stocking over his hand. This man was only some two feet away from him. Someone said "put your head under the covers."

Then he hears scuffling outside his room and two

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gun shots, one very close, and the other a little further distance away. He identified Darling as having been the person he saw at the foot of the bed. He said there was sufficient light for him to see in his room.

He was told on a Friday to come the following day to the Central Police Station for an identification parade. He saw three groups. In the first group he picked out Darling. In the second he picked out someone by mistake and in the third group he picked out no one.

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He had been shown photographs - a dozen or more photographs in a book on 21st April, in the waiting room of the Princess Margaret Hospital. The identification parade that he attended took place on 24th April, the day he gave his statement to the police. He agreed that he asked the men on parade, before he identified anyone, to say the words "stay under your covers" and he said he wanted to see if he could recognize a voice. But later, under cross-examination, he said he identified Darling by his features and not by his voice, and again that the "man he identified was in my room for a couple of minutes."

20

Again you must consider carefully the reliability of this witness as regards his identification of Darling. You must take into consideration, that he made a mistaken identity in the case of another man. You must consider carefully the circumstances in which he says he saw Darling in his room - the time he had to see him and the opportunity and the light from the bathroom.

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Emmanuel Alexiou was recalled by Darling. He was referred to the statement he had made to police. In that statement he said he told Inspector Hercules that he had seen one man in his room but you will remember in re-examination he referred to two men.

Finally, Mrs. Kathryn Klonaris was called. She is Mrs. Ypapanti Alexiou's daughter. She was awakened she said by her father's voice, and coming out of her room she saw her father and mother struggling with a man who was swinging a machete. In the Preliminary Inquiry evidence she said that that man was hitting her father with the machete but you will remember that Dr. Read said she found no

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marks on the deceased except the bullet wound.

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10 She went to help. Knocked to the floor, she said she then saw another person in the doorway of her brother's room and then heard two shots. Then she said she saw the man with the machete, a second man at the doorway of her brother's room and a third person run out. She said the two shots she heard came from her brother's room. In her deposition before the Magistrate she said while struggling with the man with the machete she heard the two shots. That is different from Mrs. Ypapanti version, who said one shot came from Pinder as he was holding the porch door of the house, after the other two men had left.

There is that divergence in her account compared with her mother and you must consider how material this is when you are considering the whole case.

20 She said, you will remember that she was shown pictures on the 22nd April among which was included one of Darling. And she picked him out from the photographs. Yet she failed to pick out Darling at the identification parade on the 24th April and indeed picked out someone entirely different as the man she had struggled with. She said she thought she had picked out the man she struggled with but that person she picked out was not Darling but someone else.

30 She then said she identified Darling at the Preliminary Inquiry and gave that evidence of identification, when she gave her evidence at that investigation before the Magistrate. But she said she saw Darling several times in the Magistrates Court before she gave her evidence.

Without my saying anything more you may well think those circumstances, so far as her evidence of identification of Darling is concerned is without any real value.

40 These witnesses Mrs. Ypapanti Alexiou, Mr. and Mrs. Emmanuel Alexiou and Mrs. Klonaris were the only adult persons in the Alexiou house on the night in question. They have given their evidence and when you are considering the matter, you will keep in mind the terror and fright they must have experienced at the time. Take this into account. All these witnesses cannot, you may appreciate, see,



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each and everyone what another may have seen. There are bound to be, you may feel, differences in the account each one gave and when you are considering their evidence, you will have to have this in your minds.

I now turn to the other evidence in this case and remind you of the evidence given by each witness.

Mr. Charles Satchwell gave evidence and he said that he parked his car N.P.J.745 Austin (1100) at 12.30 a.m. on 21st April in a car park outside Park Manor Apartments. 10

In the morning it was gone. He saw his car later at Blair Estate and he described some articles in his car which he identified in Court. Those articles did not belong to him. There were some loose and some packaged stockings and a card or two.

Mr. Paul Lightbourne also gave evidence about his car. He said he owned a red Triumph car No.8988 which he had parked in his yard at about 6.00 p.m. or 6.30 p.m. on the evening of the 20th April. He found it missing from his yard at about 8.00 or 8.15 a.m. on the morning of the 21st April. He saw his car about two days at the police compound. He said he did not leave an album in it or any stockings. 20

Mr. Bruce Rain, the next witness, described how he had a visit from his parents - he lives in the Eastern Road - on the night of the 20th April. They had come in their Rambler car No.7312 but they had to leave the car outside the house as it would not start. He said he heard revving of a car and noises at about 2.00 a.m. In the morning he found the Rambler car some 50 feet up the road and he described the condition it was in. 30

Constable Carlton Collie in his evidence said he went on 21st April to Blair Estate with Mr. Satchwell and he saw Mr. Satchwell's car there. He said in the car he found three pairs of ladies' stockings, sun glasses and scraps of papers. The ignition wire had been cut. 40

Assistant Commissioner Crawley's evidence I have already dealt with in part. On 24th April he held an

identification parade at the Princess Margaret Hospital. He described the way he carried out three parades. In the first parade Darling took part and he was told to stand wherever he wanted.

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Then Mrs. Ypapanti Alexiou was brought to the parade in a wheel chair and she touched Darling as being one of the persons she had seen in her house on the 21st. She was then taken to her room.

10      Crawley then formed a second parade in which the accused Pinder took part. He took up a position which he chose. Mrs. Alexiou was then brought in and she touched Pinder as being one of the three persons, she had seen in her house. Pinder screamed, "Me Miss! Me Miss!" Mrs. Alexiou was taken back to her room.

20      Then a third parade was formed again comprising different men from each of the other two. In this parade was the accused Farquharson. He was not identified nor did Mrs. Alexiou identify in that third parade anyone else.

Mr. Crawley denied that he had handed any photographs to Mrs. Alexiou before the parade at the Princess Margaret Hospital. He took every precaution he said that no one entered Mrs. Alexiou's room at the time of the parade. He said he thought it was Corporal Rose who opened the door for her to come out each time.

He was cross-examined by Pinder about the tennis shoe print found at the Alexiou's house.

30      You will remember that it is said Pinder had worn tennis shoes on the night in question but Commissioner Crawley could not say that the pattern of the print found was similar to that which would have been made by a tennis shoe print.

40      Constable Allan Evans attached to C.I.D. told you that on 26th April he saw Farquharson at the C.I.D. He took a set of finger prints from Farquharson, of all his fingers, on the usual form and that Farquharson signed that form in his presence. He handed the form to Chief Inspector Chase the same day.

This evidence was denied by Farquharson - that is, that the prints were his and ~~that~~ he signed the

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form. Constable Evans said other officers were present when he took Farquharson's print. You will remember Inspector Hercules saying that he was present on 23rd and 26th April when Farquharson's finger prints were taken on the official forms. It is a matter for you whether you believe them or not and whether you believe Farquharson.

Detective Constable Ferguson said he was attached to the C.R.O. office and that on 21st April he examined car No.7312 for finger prints, and that he found a finger print on it which he labelled. He photographed the print. 10

The same day he examined car NPJ.745 for finger prints and he found a finger mark which he labelled. He developed the negatives and made contact prints which he handed to Chief Inspector Chase.

He said that he had never seen any of the accused persons near the cars in question.

Detective Inspector Chase's evidence consisted of finger print evidence. He said he had over 20 years experience in the identification of persons by reason of finger prints. He went to the Alexiou's house on 21st April, 1971 and said that he examined for finger prints the northern bathroom window and that on the lower metal cross piece or the lower glass pane comprising the window, he found a thumb mark that was labelled and photographed. I need not go through again the details of his investigation which he gave you. The point is that after examining the print form which Constable Evans said was made by Farquharson, you will remember, he came to certain conclusions. 20 30

He said he had no doubt that the thumb mark on the bathroom window of the Alexiou house was made by the same right thumb which made the right thumb impression on the finger print form bearing the name of Philip Farquharson. (2) He had no doubt that the mark on the number plates of a car No.8988 owned by Mr. Lightbourne was made by the same left thumb, which made the left thumb impression on the form bearing the name of Philip Farquharson. (3) He had no doubt that the marks photographed by Constable Ferguson on cars No.7312 and No.745 - were made respectively by the same left ring finger which made 40

the left ring finger impression on the finger print form bearing the name of Philip Farquharson and by the same right forefinger which made the right forefinger impression on the finger print form bearing the name of Philip Farquharson.

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10 Chief Inspector Chase said he came to his conclusions on the 26th April and through the 27th April. He said in answer to Farquharson that he had another finger print form of Farquharson prints on 23rd April, which had been put in evidence as an exhibit.

He explained to the accused persons that he saw other superimposed prints on the bathroom window but that they were not of any use to him and that he compared both the print forms of Farquharson of the 23rd and 26th April, with the other impressions.

20 Superintendent Fields, you will remember, told you that he carried out three identification parades at C.I.D. on 24th April. He explained his procedure to you and the precautions he took to prevent witnesses getting together at the time of identification.

30 Darling was in the first parade consisting altogether of eight men. Emmanuel Alexiou was first brought in and you will remember, Superintendent Fields said that Emmanuel Alexiou wanted to hear each man on the parade say the words "stay under your cover." Each man did say that and it was only then that Emmanuel Alexiou went up and touched Darling. Now that would seem to me - and it might to you - that, if anything, Emmanuel Alexiou only identified Darling by voice. You will remember that Emmanuel Alexiou in his evidence said he identified Darling by his features and I must remind you particularly of this, when you are considering the reliability of Emmanuel Alexiou as regards his evidence of identification.

40 Then Kathryn Klonaris was brought in but she failed to identify anyone. She said, "No I cannot identify anyone."

Then Mrs. Sandra Alexiou was called and when she saw the parade at first she said she was not sure. Superintendent Fields told her then to touch anyone she recognised. It was only after that that she

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picked out Darling.

At the second parade, Pinder was in this one, and the parade consisted of seven men. Emmanuel Alexiou did not pick out Pinder but identified someone entirely different - one Anthony Butterfield. Mrs. Sandra Alexiou was then called in. She did not pick out Pinder but like her husband someone entirely different - a man called Alston Rolle.

Mrs. Kathryn Klonaris also failed to pick out Pinder and she again pointed to someone entirely different namely one Clarence Rolle.

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In the third parade Farquharson took part. Emmanuel Alexiou asked that each man should say the words "stay under your covers." This was done but on this occasion he failed to identify anyone.

Mrs. Klonaris was the next witness but she failed to identify anyone to that parade nor did Mrs. Sandra Alexiou.

He was cross-examined by Pinder about the identification parade at the hospital and he said that A.S.P. Crawley knocked at Mrs. Alexiou's door, when she was called out for the identification parades. He was not sure but Crawley's evidence was that he sent someone to do this. He admitted that none of the Alexiou family had given him a description of the clothes he, Pinder, was wearing on the night of the 21st April.

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When he was asked by Darling about the identification by Emmanuel Alexiou he agreed that it was only after each participant in the parade had stated the words "stay under your covers" that he went up and picked out Darling. You may ask yourselves if he could have identified Darling by features as he claimed, why he asked these words to be said. He did tell us that it was to make sure. On the second parade you will remember Fields said he did not ask for the words "stay under your covers" to be said. Pinder was in that parade but you will remember Emmanuel Alexiou picked out a man called "Butterfield". You will bear in mind too Mr. Fields said that Mrs. Sandra Alexiou said before she picked out Darling that she was not sure. It was not put to her by Darling that she had said

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first of all that she could not really identify anyone. In the  
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Fields was asked and so was Crawley about a report in the Guardian of 26th April to the effect that three Bahamian men were said to have been identified by Mrs. Alexiou at her bedside. You have heard the evidence of police officers that they had not given the Press any such information. It is for you to say whether or not you accept their evidence on the procedure and conduct of the identification parades.

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Then Sergeant Moss gave evidence. He said he went to Third Terrace West on the eastern side of Collins Wall at about 12.40 p.m. on 21st April. There he saw a red Triumph car No.8988. He pointed to the photograph of this car in the album of photographs put in by the prosecution. He said he found bits of stocking inside the car and a photo album which Mrs. Sandra Alexiou identified as her property. In the bushes nearby he found a straw basket and he told you the contents, and that he handed all these articles over to Inspector Chase.

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On the 22nd April on a further search in the same area he found the two licence plates bearing the No.8988, a wallet and cutlass. He handed these articles to Chief Inspector Chase.

This witness says he has known Farquharson virtually all his life and he said Farquharson made a statement to Inspector Hercules in his presence. He then said he went to Farquharson's house where he was handed a pair of brown corduroy trousers, which he said Farquharson told him he was wearing on the night he broke into the Alexiou house.

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This witness then said he went to Darling's house on 23rd April and he, Darling, handed to him a grey pair of trousers and a striped pullover shirt. These were the clothes this witness said Darling claimed to have worn on the 20th April.

The other evidence that this witness gave was this: That in company of two other officers with Farquharson and at Farquharson's direction, they drove to Park Manor off Market Street where Farquharson said they had removed a small car. That car was owned by Mr. Satchwell (No.745).

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Farquharson then directed him to Dicks Point where he said at a yard there, they had changed from the white car to a red one. Near there, you will remember, Mr. Lightbourne lives.

Farquharson then pointed out a house to Sgt. Moss which he said was the house "they" had broken into and that was the house of Anthony Alexiou. Remember, Farquharson only said "they" and there were no names mentioned. You will also bear in mind very carefully indeed that this evidence - that is what Farquharson did and said to Sgt. Moss - is, if you accept it, only evidence against Farquharson himself and not evidence against Darling or Pinder.

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Again, later the same day in company with both Farquharson and Alexander Pinder, Sgt. Moss said he went to an old building at Fort Fincastle where "they" - that is Farquharson and Pinder, told him they had buried a gun there. That gun was not however, found. There again is evidence - if you accept it, but only so far as Farquharson and Pinder are concerned. It is not evidence against Darling.

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Sgt. Moss said he received on 24th April a pair of tennis shoes from Pinder which Pinder said he was wearing on 21st April. You will remember there was a tennis shoe mark found on a railing at the Alexiou house. But there is no evidence that Pinder's shoe made that particular mark and there must be many tennis shoes sold in the Bahamas, the soles of which are all identical.

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Lastly, this witness, described to you his visit to the house of Mrs. Capdeville, with Inspector Hercules and Corporal Hanlon. A search was made - a partially full bottle of Bacardi and photographs of Pinder and Farquharson were found. Pinder was not present at this search.

Cross-examined by Darling, Sgt. Moss said that Darling took the clothes which he said he was wearing on the 20th April off a hanger and gave those to him. He reiterated under cross-examination by Darling that it was Farquharson who directed him where to go and to the various places he had been to on the night of the 20th/21st April. He said he did not know where these places were and that it was Farquharson who directed him.

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A.S.P. Bullard's evidence was that he picked up Darling on 22nd April at McCullough Corner, at about 6.27 p.m. Darling said "all right" and got into the police car. He picked up Pinder on the 23rd April.

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10 Darling made no objection to accompanying the police nor did Pinder. He accompanied Hercules and Moss to Darling's grandmother house - to look for clothing that Darling said he was wearing on the 21st April. He also said Darling gave certain clothing to Sgt. Moss. You will remember that none of the clothing Darling said he wore on the night of 21st have been identified by any of the Alexiou family.

Inspector Hercules said he showed a set of photographs to Emmanuel Alexiou on the evening of 21st April in the waiting room of the private ward at Princess Margaret Hospital, Nassau.

He showed a photograph album to Kathryn Klonaris the same evening at her house in West Street.

20 On the 22nd April he had a talk with Darling at about 10.00 p.m. at the C.I.D. and Darling described his movements on the night of the 20th and 21st April where he had slept and where he had been from 20th April beginning at sunset. Darling said - that evening he had been in East Street with a crowd of other fellows and that he had got to his home by about midnight. Darling told Inspector Hercules that he had slept on Tuesday night of the 20th at home and his grandmother Lora Brown could vouch for this.

30 He was asked what clothes he was wearing on 20th and 21st April - he replied that on the 21st April he wore grey pants and a yellow long sleeve shirt. On the 20th he said he had worn the same trousers and a knitted short sleeve shirt. He described his movements from sunset of the 20th April - that he had been on East Street and Lewis Street and that he was with a crowd of other fellows. He said he got home about midnight.

40 Inspector Hercules said that prior to this meeting and interview with Darling, he had interviewed Mrs. Ypapanti Alexiou in her sick room - and that this was about 7.00 p.m. on the 22nd April and that that was the only time he had ever showed her any photographs.



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(continued)

Then you will remember that Inspector Hercules said he saw Farquharson at about 10.50 p.m. on the night of the 22nd April at the C.I.D. He told Farquharson that he was suspected of being involved in the events at the Alexiou household on the night of 21st and that he cautioned him. Inspector Hercules noted some bruises on his right shoulder and thigh. Farquharson told him his movements on the night of 20th and 21st April. He said he was by the Cinema theatre with a girl called "Butt" - that he took her home and that he himself got home about 1.30 a.m.

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Then according to Inspector Hercules, Farquharson asked him if he could speak privately with him. He said "I know this will get me in trouble but you all know I would not hurt anybody. I will tell you what happend." And again, at that point Inspector Hercules said he cautioned him. Farquharson then said, "Me, Shine and Bernard went in the house. Shine shoot the man."

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He explained that Shine was Pinder and Bernard was "Darling". He then said the three of them stole the car in Market Street in the vicinity of Government House which Shine (that is Pinder) drove to a point on the Eastern Road where they stole a second car, that they continued until Darling pointed out the house they were to break in - they parked on the beach and went to the house. Shine had a gun and Darling had a cutlass. He said they climbed up the wall and went into the house. Shine shot the man. They ran out drove down the back road to Collins Wall and went home.

30

Inspector Hercules then asked Farquharson if he wanted to make a statement in writing and Inspector Hercules said that Farquharson agreed and that he then called in Sgt. Moss, Sgt. Bonamy and Cpl. Hanlon into the room and that Farquharson made a statement on caution in their presence which he Inspector Hercules wrote down. Farquharson then signed it after writing himself the last paragraph. Inspector Hercules then signed it and so did the other police officers. That statement was admitted into evidence after an objection by Farquharson that he did not make any statement whatsoever to the police and that he did not sign any statement, and that his signature had not been proved. You have seen and heard Inspector Hercules. Is he lying when he gave

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his evidence of what Farquharson said verbally to him - did he concoct the written statement and put on a signature purporting to be that of Farquharson. You must decide. If you have any reasonable doubt in the matter you must give the benefit of that doubt to Farquharson.

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(continued)

10 However, bear this in mind and I cannot emphasise it too strongly - if you accept Inspector Hercules' evidence, the verbal and the written statements of Farquharson are only evidence against Farquharson himself and not against Pinder or Darling. Such statements are only evidence against the maker and it is imperative that you keep that in mind. You must put Farquharson's statements out of your minds, when considering the case of Pinder and Darling.

20 And the same direction applies in the case of Pinder. Inspector Hercules said he cautioned him, on the 23rd April. Pinder, if you accept Inspector Hercules' evidence, then said he was not afraid of anyone, that he was a first born and God protects the first born so he could say what he did. He said he, Bernard Darling and Farquharson, Barry Thompson and an American fellow went to the Alexiou house in two cars which they parked by the beach. He had a cutlass, Farquharson had a gun. They went over the house and Farquharson went in first. The others went in and he went in last. Farquharson fired two shots at some people who were in the bed and gave him, 30 Pinder, the gun. He gave Darling the cutlass. He himself fired two shots and they ran out.

He then said Farquharson hid the gun behind an old building in Fort Fincastle. The gun, as you knew, despite a search was never found. Inspector Hercules then asked Pinder if he wanted to make a statement in writing and he agreed, so Inspector Hercules said.

40 Inspector Hercules cautioned Pinder and wrote down his statement which he said Pinder gave him and signed in his presence and in the presence of other police officers, Gittens, Hanlon and Moss.

Pinder objected to this statement being in evidence on the grounds that he did not make it - that it was Inspector Hercules who wrote the statement - and that he did not sign it.

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Again, it is for you to decide whether Inspector Hercules is telling the truth or not. Again, if you have any reasonable doubt the benefit you must give to Pinder. If you accept Inspector Hercules' evidence as the truth - then you will bear in mind the same direction, as I gave you in regard to Farquharson, and that Pinder's statements verbal and written are evidence solely against Pinder and in no way evidence against Farquharson or Darling. When you are considering your verdict, do not ever forget that.

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Darling did not give a written statement and on being cautioned again on 23rd April he only said that he was on East Street by the Cinema on the night of the 20th April and that he went home from around midnight.

After Inspector Hercules had taken Pinder's statement, he said he with other police officers went with Pinder and Farquharson to an old building in Fort Fincastle - where these two accused persons took them and they made a fruitless search for the gun. The police in the presence of both Farquharson and Pinder searched the area for an empty Bacardi bottle and Pinder's white shirt which he claimed to have thrown away in the Centreville area. Nothing was found.

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Then you will remember according to Inspector Hercules Farquharson and Pinder pointed out to the police where they had removed car 8988 on the night of the 20th April and that they pointed to Mr. Lightbourne's house.

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You will also bear in mind that this evidence that was given by Inspector Hercules going out with Farquharson and Pinder and what they did and what was pointed out is not evidence against Darling. Darling was not present with them and the evidence is, therefore, evidence, if you accept it, only so far as Pinder and Farquharson are concerned and not Darling.

Inspector Hercules then referred to the identification parade held at the Central Police Station - but that he was not present at it. He said he told Darling who wanted another parade with his wearing different clothing that he could not have this on the ground that it would be improper.

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10 You will recollect again that at Darling's request Inspector Hercules saw him again on the 25th April and that on caution Darling said that on the night of 20th April he said he was in East Street with Shine Farquharson and Pinder. They went through Lewis Street, where they smoked some marijuana. He said they went back to East Street by Father Allen and then through the corner opposite Father Allen. He said they smoked some more marijuana - from there he went home reaching there by midnight. He said he did not go to the Alexiou house on the night of the 20th. Darling again refused to make a written statement.

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You must bear in mind that any statement, if you accept the evidence of Inspector Hercules, that Darling made to him is evidence against Darling only, not against Farquharson or Pinder.

20 Then Inspector Hercules described his visit to Mrs. Capdeville's boarding house, where some clothing bearing the name of Alexander "Shine" Pinder was found, also his photograph and that of Farquharson and a forty ounce bottle of Bacardi Rum partially consumed.

Inspector Hercules said he was present when Farquharson signed his statement and that he was present and saw him sign the two finger print forms taken on the 23rd and 26th April, which he identified in Court.

30 In cross-examination by Pinder, Inspector Hercules said he never saw the accused persons himself break into the Alexiou house or be in possession of any of the stolen property or with a gun. He said some of the Alexiou family gave him a description of the clothing he, Pinder was wearing on the night of the 20th but of course said nothing had been identified in Court. He denied that he showed the Alexiou family photographs on more than one occasion. And he denied, when it was put to him by Pinder that he was showing pictures of the accused persons to the Alexiou family just before the identification parade at the Central Police Station or that he told Mrs. Ypapanti Alexiou to point him out.

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Cross-examined by Farquharson Inspector Hercules also said that he had not seen him break into the

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Alexiou house or seen him in possession of any of the stolen property or of a gun.

Cross-examined by Darling he reiterated that he showed photographs of persons to Emmanuel Alexiou on 21st April and not the 24th. He also agreed that he had not seen the accused persons together on the night in question or in any stolen car or in possession of any gun.

He said he did not find any of the clothes the witnesses described in his, Darling's, house. 10

Inspector Hercules reiterated that he had shown pictures of Pinder and Darling along with others to Mrs. Ypapanti Alexiou on 22nd April and pictures to Emmanuel Alexiou and Mrs. Klonaris on the 21st April.

Pinder on further cross-examination elicited some evidence from Inspector Hercules about his tennis shoes. You will remember the tennis print found on the wall at the Alexiou house. Well, Pinder admitted to wearing a pair on the night of the 20th April and if you believe Hercules, Pinder told him that he was wearing these shoes when he climbed up the wall. Well, Pinder himself got this evidence out of Inspector Hercules. 20

Finally, when Darling asked to put in the photographs of himself and Pinder that were shown to Mrs. Ypapanti Alexiou, Inspector Hercules showed the pictures, which included those of Pinder and Darling and he described how all of these were stapled together and all the photographs were produced in the way he said he showed them to Mrs. Ypapanti Alexiou. 30

Charles King, a prison officer said certain letters were found on Farquharson on 20th May, 1971 - you have read them. You will remember that one of these signed 'Smooth' and addressed to his sister asked her to say where he was on the night of the 20th April on East Street shooting pool and get some more brothers and sisters to support her. You may wonder if this was not just an attempt to act up an alibi. 40

Then Mrs. Capdeville gave evidence of the search made in the room which she said she had let to a man under the name of "Kelly". There was some

confusion to begin with as to her identification of this man - first it was Farquharson she pointed to - but she very quickly became quite positive that "Kelly" was Alexander Pinder.

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10 She described what took place in her house on the 21st April after she got up at about 5.00 a.m. While she was carrying out her usual routines she said she saw "a pair of legs going upstairs - and the legs were clothed in a "gold" coloured pair of pants. You have been reminded of her mis-  
20 identification of the pants found in the room - as told you. Then she said she saw Darling come in and looked her right in the face and said "Good Morning." She said she had seen Darling before in Pinder's or Kelly's room. Well, Darling put it to her that she was mistaken in her identification of him on that morning as he said he was not there. Again, you must form your own view on Mrs. Capdeville's evidence - if you believe her, then Darling was in her house that morning. She could hear persons talking from her bedroom.

Then she said later on "Kelly (that is, Pinder) paid her \$20.00 for rent - a \$10.00 Bahamian Bill and a \$10.00 Canadian Bill. She asked him where he got the Canadian note from and he replied that that was a tip he had got from his work at Emerald Beach Hotel the night before. She said Police found in the ceiling a golden coloured pair of pants.

30 Cross-examined by Darling she said that on the morning of the 21st he was wearing dark pants and a white shirt.

I have been at pains to remind you in some detail of the evidence of each of the witnesses for the Crown - there have been very many and the trial has taken over a fortnight.

But in spite of the voluminous nature of the evidence - much of which was repetition - the case so far as the Crown is concerned is not difficult to understand in the case of each accused person.

40 So far as Farquharson is concerned, the evidence of the witnesses, which I have recapitulated, boils down to this. If you accept the evidence of the prosecution witnesses a thumb print mark was found on the bathroom window, of the Alexiou house on the day

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of the crime and from a set of finger prints taken from Farquharson by Constable Evans, Inspector Chase identified that thumb print as the thumb impression of Farquharson.

Then a finger print impression was found on 21st April, 1971, on car No.745 belonging to Mr. Satchwell which had been stolen during the night of 21st April from a car park outside Park Manor apartments. In that car were found some stockings and other articles. If you accept the finger print evidence the impression was made by Farquharson, Farquharson's finger print was also found on the Triumph car No.8988 belonging to Mr. Lightbourne which was stolen during the night of 20th and 21st April, and the evidence is that that car when found contained some stockings and a photograph album - the album being the property of Mrs. Sandra Alexiou which she said had been stolen on the 21st April.

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Farquharson's finger print was also, if you accept it, found on car No.7312 belonging to the parents of Mr. Raine which was found some 60 feet up from place where it had been parked on the night of 20th April.

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The other evidence adduced by the prosecution against Farquharson and the statements he is said to have made to Inspector Hercules and his taking the police around pointing out the various places where cars had been taken and pointing out the Alexiou house and where the gun was supposed to have been hidden.

30

There is the evidence of Mr. King and the finding of the two letters in Farquharson's waist-band. These letters in any case do not amount to any admission by Farquharson so far as these offences are concerned, but I have to draw your attention in particular to one of these.

So far as any identification parade is concerned Farquharson was not identified by any of the witnesses.

The prosecution case against Alexander Pinder in essence comes down to this. After having been shown photographs of some men, but according to Inspector Hercules on 22nd April, Mrs. Alexiou picked out Pinder as one of the three men who

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entered her house and she said Pinder fired the shot which hit her and he also fired the shot which killed her husband.

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Mrs. Sandra Alexiou failed to pick out Pinder at the identification parade and I have already reminded you about what she apparently said to the police afterwards about Pinder.

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(continued)

10 The other evidence against Pinder is his statement verbal and written to the police - if he made them - and his going round with the police and showing the area to them where the gun had been left - for his shirt which he claimed to have thrown away and his pointing out of a car No. 8988, that is Mr. Lightbourne's and his pointing out Mr. Lightbourne's house.

Then there is the evidence of Mrs. Capdeville and Pinder's payment according to her of rent, part of which was paid by a Canadian \$10.00 bill.

20 The prosecution case against Darling is based on identification. None of the witnesses had seen him before and I do not propose to go over the details again and the circumstances of his identification by the members of the Alexiou family. He was identified by Mrs. Ypapanti Alexiou as the man who had the cutlass and who struggled with herself, her husband and Mrs. Klonaris. He was identified by Mrs. Sandra Alexiou, after she had said she was not sure and he was identified by Emmanuel Alexiou in the circumstances you have already been reminded of. 30 Mrs. Klonaris also identified Darling in Court - but not at an identification parade and only after she had had an ample opportunity of seeing him at the Preliminary Inquiry before she gave her evidence.

Mrs. Capdeville said she recognized Darling in the early morning of 21st April in her house - in which you will remember she said she had let a room to Pinder. If you accept her evidence which shows he was there and where he said he was at that time, you will also recall that according to Inspector Hercules he gave different accounts of his whereabouts on the night of the 20th April to the one he gave in Court. You must decide if Inspector Hercules is telling the truth and the weight you 40 attach to this part of the evidence.

That in substance is the case against each



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accused. But you have heard the whole of the evidence and I have recapitulated it in much detail so that you have it all in your minds in view of the length of time this trial has taken.

Now let us consider the evidence of the defence.

Farquharson has given evidence on oath. He has told you how he was picked up by the police on 22nd April. He co-operated in the identification parades and was not identified by any of the Alexiou family - either at the C.I.D. office or at the hospital. You will remember that he said he saw Mrs. Ypapanti Alexiou being shown photographs of the accused Pinder and Darling before the parade took place and his assertion that he would have been picked out in the same way - if there had been a photograph of him in existence at the time. But you heard yesterday the Solicitor General's comments about the likelihood of this having taken place and I will not repeat it.

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He said on the night of 20th April he was with his girl-friend and that they went to the movies together - they left the movies at about 11.00 p.m. and that he spent the rest of the night in his mother's house.

He denied that he had any close relationship with Pinder and said that he had not seen Pinder on the night of the 20th or Darling. He said he was picked up because the police do not like him, nor do they like Pinder and Darling, and that they were picked up solely because they had a criminal record. He denied that he had accompanied the police in the search for a gun or that he had taken the police anywhere or had pointed out to them anything whatsoever. He said he gave no finger prints to the police and that he made no statement verbal or written to the police and that what the police had said and the written statement put in were a complete concoction and fabrication. He himself, he said wrote no part of the statement or signed it.

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He denied writing the letters found in his waist band or that they were ever found in his waist band. He agreed that he is sometimes called "Smooth" but that the police could have put that word on the letters.

You have read these letters - they are in no way any evidence of guilt. They show he thought he was in serious trouble and that he wanted his sister to whom the letters were addressed to account for his movements on the nights of the 20th and 21st April.

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Judge's  
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(continued)

10 To prove where he was that night Farquharson called his girl friend, Miss Christine Rolle, aged 17, who confirmed his story that she went to the movies with him on the night of the 20th April, and that when the cinema closed at about 11.00 p.m. she spent the rest of the night with him at his mother's house. She said it was not until 12.15 p.m. on the 21st April that she awoke and she awoke "Smooth" Farquharson.

20 She was cross-examined - said there was nothing particular about the movie that she saw but she said when she heard on the 23rd April Smooth Farquharson was in trouble about the events of the 21st - that it could not be him because she said she remembered her movie show with him two nights before.

She told you that "Smooth" Farquharson and "Shine" Pinder were not close together, that is, in any personal relationship.

You have heard the prosecution evidence against Farquharson and you have heard Farquharson and his witness. The facts are for you and if there is any reasonable doubt in your minds give the benefit to him.

30 Alexander Pinder the second accused gave evidence on oath. He told you that he was picked up on 23rd April by Police and accompanied them to the C.I.D. without any resistance. He told you how he was put on an identification parade and that Mr. Emmanuel Alexiou picked out someone called "Butterfield" and not him; that Mrs. Klonaris picked out not him but a man called "Clarence Rolle"; that Mrs. Sandra Alexiou picked out not him but one called "Alston Rolle."

40 He then told you how Inspector Hercules threatened him and said that he would see that he, Pinder, was picked out at the hospital identification parade. Pinder gave his account of the conduct of the parade. He said just at the time of the parade

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Inspector Hercules showed photographs of himself and Darling only to Mrs. Ypapanti Alexiou and that that was the sole reason she identified him at this parade in the Princess Margaret Hospital. He said he was only 3' away from Mrs. Alexiou's door of her room in the hospital when he saw the police showed the photograph.

After the parade, he said Inspector Hercules asked him his whereabouts on the 21st April and he took him to a house on Fort Fincaastle, where he had a friend. He then told Inspector Hercules that he was with his girl friend on the night of the 20th and 21st April. He told you of his conversation with her and that he spent the night with her. He told you how his tennis shoes that he was wearing were obtained from him. I am not going into this - you may not attach much if any importance to the part of this evidence - the bare fact is that the tennis shoe mark on the Alexiou's house railing has not been proved to have been made by Pinder's tennis shoes.

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He denied that he was a particular friend of Farquharson or of Darling and he denied that he had been with the other two at any time on the night of the 20th/21st April. He denied making any statement verbal or written to the police. He denied helping the police to search for a gun or going anywhere with them.

So far as Mrs. Capdeville's evidence is concerned, he denied that he had even rented a room in her house or in fact that he had ever been inside.

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He said he could only meet his Jamaican friend there in the yard. He denied any conversation whatsoever with Mrs. Capdeville and, of course, that he had ever given her any rent money.

In support of his own evidence of how and where he spent the night of 20th and 21st April he called his girl friend Shirley Basden - a girl 18 years old. He said she saw Pinder in her house, that he read the Bible to her and then they listened to the radio. At about 5.00 p.m. she said Pinder was sleepy and that she continued Bible reading after he fell asleep. She said she spent the night with Pinder and that he did not leave her house until noon on the 21st.

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(sic)

Again you have heard the prosecution case against Pinder and his defence. Again the facts are for you and if you have any reasonable doubt you must give Pinder the benefit of that doubt.

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10 As you will appreciate, his defence is an alibi for the night of the 20th/21st April - his identification by Mrs. Ypapanti Alexiou was "rigged" and the other police evidence of his statements and  
15 of his going round with them was a complete concoction and fabrication. So is the evidence of Mrs. Capdeville.

Bernard Darling giving evidence for himself denied that he knew anything about this intrusion into the Alexiou's household - apart from what he had read in the newspapers and what he had heard on the radio.

20 He accounted for his movements on the night of the 20th/21st April. According to Inspector Hercules he gave a different version than to one he gave in Court as I have already mentioned.

30 In his sworn evidence in Court he said that at about 8.00 p.m. on April 20th he left his grandmother's house along with his girl friend and they went to Lockhart's Club on Wulff Road. He left the club at about 11.00 p.m. and went back to his grandmother's house where he spent the rest of the night and did not leave the house until around noon on the 21st April. He said he told Inspector Hercules all this when he, Inspector Hercules interrogated him, and  
35 you will decide whether Inspector Hercules has fabricated his evidence. Inspector Hercules accompanied Darling, so Darling said, to his sister in Mackey Street, who confirmed that he Darling had been at home during the night in question. So far as the identification parade on the 24th April at C.I.D. is concerned, he said that when Mr. Emmanuel Alexiou came in he inspected the line and then asked for each man to say 'stay under your covers.' It was  
40 when he, Darling, said these words that he touched Darling and said, according to Darling, "this voice sounds like the voice I heard in my house."

You will remember that he said Mrs. Sandra Alexiou first said at the parade - "I do not think I would be able to identify anybody." That part incidentally was not put to Mrs. Alexiou in cross-

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examination; then when asked by Mr. Fields to look at the parade again, she walked up the line and that she then touched Darling saying, "I am not sure". Mrs. Klonaris, you will remember failed to identify anyone at the parade at the C.I.D. office.

Then Darling gave his account of the identification parade at Princess Margaret Hospital that at the very moment before the parade began he saw inside Mrs. Ypapanti's room and Inspector Hercules showing her his photograph and he also had a picture of Pinder in his hand.

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At the parade, Darling said Mrs. Alexiou first pointed to someone else and when Assistant Commissioner Crawley told them to change places, she picked out him Darling. That is not Mr. Crawley's or Mrs. Alexiou's evidence.

He gave his account of how Pinder's tennis shoes were taken from him - I will not repeat it - he then spoke of his being charged by Inspector Hercules. He said that Inspector Hercules told him that he had information that the three of them had been seen together the day before and that he Darling had a criminal record. He said that was the reason he was being charged.

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Cross-examined by Farquharson he said he did not know Farquharson intimately and that he was not in Farquharson's company on the night of the 20th/21st April. He said about the same thing as Pinder. It was put to him by Counsel for the prosecution that he gave a different version of his movements to Inspector Hercules when he was interviewed by him - according to Hercules Darling told him he had been in East Street with a crowd of fellows from sunset on 20th April when he left them about midnight and went home. This Darling denies he had said and that it was just another piece of fabricated evidence. He said that what he had said in Court was the truth. He also denied ever having seen Mrs. Capdeville in his life before.

30

40

I do not want to repeat what I have already said about the necessity of care in making facial identification and of the conduct of the parades. You have heard the evidence of the Police and of the accused persons. About the showing of pictures

of men to witnesses - well, then you may know is a common enough practice - it helps in giving a clue to the police to where they should perhaps begin making enquiries. Much depends on the time and circumstances at which the pictures are shown.

In the  
Supreme Court

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No. 36

Judge's  
Summing Up  
(continued)

10 I will just remind you again of this - Inspector Hercules said he showed a number of photographs to Mrs. Ypapanti Alexiou on 22nd April - that was a Thursday. Mrs. Alexiou said on Friday or Saturday. She later said it was not Saturday. Pinder and Darling said photographs only of them were shown to Mrs. Alexiou just before the identification parade. You must decide whether Mr. Crawley and Mr. Hercules are telling the truth or Pinder and Darling. If you accept the evidence of Pinder and Darling, then the identification by Mrs. Alexiou of the two men is of no value, and if you have any doubt in your minds you will, of course, give the benefit of that doubt to Darling and Pinder.

20 Even if you accept the police evidence that photographs were shown to Mrs. Ypapanti Alexiou at the time they say they did and to the other members of the family (except Mrs. Sandra Alexiou) you will still have to consider the effect and influence if any, they may have had on the identification by these witnesses of Pinder and Darling at the identification parade. You will not have unnoticed that Farquharson, of whom no pictures were shown to the witnesses prior to the parade was not identified at any of the  
30 parades by any of the Alexiou family.

You have heard of the mis-identifications that have been made by witnesses - pointing out the wrong person.

40 You have had called as a witness for the defence Clarence Rolle - a boy of 17 and a scholar at Aquinas College. You have seen him and you may think he has not the slightest resemblance to any of the accused persons. He said at the C.I.D. parade he was picked out by the man who was first called on to make an identification.

That would be Emmanuel Alexiou. Rolle said that this man picked out none of the accused persons but someone else. Rolle said he was identified by one of the two women who were called to the parade. He said he was present at the hospital parade and that

In the  
Supreme Court

No. 36

Judge's  
Summing Up  
(continued)

Pinder was picked out.

Then Kenneth Hutchinson was called. He said he was on the identification parades at the C.I.D. and at the hospital and he said he was picked out. Now this witness had not been heard of before in these proceedings - he was not referred to by the Police, although Police gave evidence as regards other persons who had been wrongly identified. This witness said a man called "Rolle" was identified and one "Butterfield" and he himself. Well, you have seen this witness for yourself. If he is telling the truth, the police for some reason or other made no note of him and yet made careful note of the others. This according to Darling is but another example of police fabrication in the case.

10

The defence also called a youth Mr. Alston Rolle. According to the evidence he had wrongly been identified as one of the intruders of the Alexiou household on the night in question. According to him he took part in the identification parades at C.I.D. and the hospital. Although called by the defence, the object of the exercise seems to have been to try and prove that he was not at any of the parades and that the police have put up this witness and having taken part in the parades and yet have been wrongly pointed out on the parade. As far as I understand the accused's performance in calling this witness, it was just to show that there has been police fabrication here in the same way as they alleged the whole Prosecution case is fabricated. You have seen this witness and can judge for yourselves the truth or otherwise of his evidence.

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Again, you have heard the case for the prosecution about Darling and you have seen the witnesses in the witness box. If you have any reasonable doubt in your minds, whatever the charges have been proved against him - as to the whole of the evidence, you will give him the benefit of that doubt and acquit him.

40

A final word about character. Darling persisted in making known to you that he had a previous criminal record. Normally, a person on trial does not and he is advised not to let the jury know about any previous criminal record as that would only lead,

to prejudice against him. In Darling's case, the knowledge you have you will not let prejudice you in any way. He was advised by the Court but he persisted and indeed for this reason it was part of his defence that it is only because he has a past record that he is here today. Other persons he says have been pointed out at the identification parades just as he was - they have been allowed to go scot free - he says he is held only because of his past record. That is a matter you will give your closest attention to.

10

Pinder also, in spite of repeated warnings, and advice referred to his having been in trouble before and that the police only picked him up because of that.

Again, when you are considering the evidence against him do not let this prejudice you in any way against him. His point also is that the police have fabricated this case against him because of his previous record.

20

Why Farquharson chose to follow the others in this line I cannot imagine. But he persisted too in pursuing the matter of a past record but you will remember that if he has had any previous convictions they have only been for minor matters like gambling. However, you will not, let that influence your judgment.

Well, Gentlemen, the whole case is in your hands. There has been a lot - an undue amount of publicity as regards this trial. The accused although offered Counsel refused to have any. The charges being what they are they have had a latitude that normally would not have been allowed. They have been fairly prosecuted and you will have noticed that they have not been harassed or bullied by the prosecutor - either the accused or their witnesses.

30

Do not go by anything you have read in the papers or what you have heard on the radio - deal with the case only on the evidence before you and you have heard in this Court and let no prejudice or suspicion colour your judgment. A true verdict you must give - on the evidence you have heard - on the whole evidence for the prosecution and defence, and if you are left in any reasonable doubt upon the whole of that evidence you will give the accused persons or anyone

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In the  
Supreme Court

\_\_\_\_\_  
No. 36

Judge's  
Summing Up  
(continued)



In the  
Supreme Court

No. 36

Judge's  
Summing Up  
(continued)

of them the benefit of any such doubt.

Mr. Hilton: Would Your Lordship give the jury a reference to Section 12(3) of the Penal Code - on the question of intent.

Members of the Jury:

Section 12(3) of the Penal Code reads as follows:-

"(3) If a person does an act of such a kind or in such a manner as that, if he used reasonable caution and observation, it would appear to him that the act would probably cause or contribute to cause an event or that there would be great risk of the act causing or contributing to cause an event, he shall be presumed to have intended to cause that event, until it is shown that he believed that the act would probably not cause or contribute to cause the event.

10

Making an illustration of the subsection given as a footnote. That reads as follows:-

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"Subs.(3) A. discharges a gun among a crowd of persons, and one of them is shot. A. must be presumed to have intended to cause harm, unless he can show that he had such ground for believing that harm would not be caused, that his act was merely negligent."

If you accept the evidence of the Prosecution - that is entirely a matter for you - you may well, in the circumstances, consider that the element of "intent" in so far as the murder and attempted murder charges are concerned, have been proved - that is, of course, if you accept the prosecution evidence as to the shooting. I think that is all I need say.

30

Jury retire

(Jury return and ask for further direction)

The question asked by the Foreman is this - "Can all accused persons be found guilty of murder if two of them have gone outside the room, one is still in the room, that one being the person who fired the shot?"

40

The further direction I gave on this point was as follows:-

In the Supreme Court

Further Direction:

No. 36

Judge's Summing Up  
(continued)

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If when Pinder, if indeed on the evidence you find it was him, shot Mr. Alexiou in the circumstances described by Mrs. Alexiou you feel that he did so in order to effect the escape of all or prevent them in pursuit, then this act of his would be in furtherance of the common purpose - if you find there was a common purpose. If, on the other hand, he shot in panic or for some other purpose of his own - unconnected with the common purpose previously agreed between the three to rob with whatever force is necessary - in those circumstances he would alone bear responsibility for the consequences of the fatal shot.

By the Jury: That satisfies our query.

Jury retire again.

NO. 37

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JURY'S VERDICT

Jury's Verdict

Jury returns.

8th December 1971

Foreman of the Jury:

Verdict of the Jury.

First Accused - Farquharson: Guilty on each count  
(verdict unanimous).

Second Accused - Pinder: Guilty on each count  
(verdict unanimous).

Third Accused - Darling: Guilty on each count  
(verdict unanimous).

30

All ocutus.

Farquharson: I have nothing to say.

Pinder: God is King.

Darling: I did not address the jury.

In the  
Supreme Court

NO. 38

SENTENCE

No. 38

Sentence:

Sentence  
8th December  
1971

Each accused is sentenced to death on Count One. Each accused is sentenced to twelve years imprisonment on Count Two. Each accused is sentenced to ten years imprisonment on Count Three. Each accused is sentenced to seven years imprisonment on Count Four.

Sentences on Counts Two, Three and Four are concurrent but to run consecutive to any sentence now being served by the accused.

10

Informed of right to appeal.  
H.C. SMITH, J.

In the Court  
of Appeal

NO. 39

NOTICE OF APPEAL AGAINST  
CONVICTION OR SENTENCE

No. 39

Criminal Appeal No. of

Notice of  
Appeal  
against  
Conviction  
or  
Sentence  
13th December  
1971

To the Registrar of the Court of Appeal  
Philip  
Name of Appellant Farquharson  
Convicted in the Court held at (1)  
Offence of which Convicted (2) Murder. Attempted  
Murder. Armed Robbery. Burglary.  
Sentence  
Date when Convicted 1971/12/8  
Date when sentenced 1971/12/8  
Address (4) Fox Hill Prison

20

I the above-named appellant hereby give you notice that I desire to appeal to the Court of Appeal against my (5) Conviction and Sentence on the grounds hereinafter set forth on page 2 of this notice.

30

H.M. Prison  
Dec.13 1971  
Nassau Bahamas

Signed Philip Farquharson Appellant  
Dated this (7) day of 19 ....

	Questions	Answers	In the Court of Appeal
	1. Did the Judge before whom you were tried grant you a Certificate that it was a fit case for Appeal?	Yes	_____ No.39
	2. Do you desire the Court of Appeal to assign you legal aid? If your answer to this question is 'YES' then answer the following questions:-	Yes	Notice of Appeal against Conviction or Sentence
10	(a) What was your occupation, your wages, salary or income	Repair man 95 dollars	
	(b) Have you any means to enable you to obtain legal aid for yourself?	No	13th December 1971
	3. Is any Attorney now acting for you If so, give his name and address	No	(continued)
	4. Do you desire to be present when the Court considers your Appeal?	Yes	
	5. Do you desire to apply for leave to call any witnesses on your Appeal?	Yes	

Grounds of Appeal or Application

20 On the 22 of April i was ask by police officers if i philip farquharson would like to take part in a identification parade i told the police officer yes he then told me if i was not pick out i can go home. On the 24 of April a police officer by the name of fields came to me and told me that three people will be comming to CID to pick out who they saw in there home around 12 o'clock or after i was taken upstairs at CID while going upstairs the police officer mister fields told me if i was not pick out by any of these people i can go home. on the parade i was on three people came on the parade each one of these three people was told by mister fields that they was to pick out who they saw in there home on the morning of the 21 of April the first person who came to pick out who he saw after looking at parade the man told the police that he dont see anyone on the parade who was in his home on the night of the 21 he was sent downstairs. the second person who came on the parade who was a women told the police officer that she dont see anyone who was in her home on the 21 of April she was also sent down stairs. the third person who came to pick who she saw in her home she look at the parade and told the police officer she dont see know one who was in her home she was sent down stairs. at this stage i philip farquharson ask to go home. Mister fields told me that he hear me Bernard and a young man by the name of Alexander pinder so i told him this is not true he said since you was seen with

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of Appeal

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(continued)

a known house breaker who he said is Bernard Darling he believed we was in the people house he then told me that they was going to hold another parade and if i was not pick out i can go home i was taken to the hospital and a ladey in a wheal chair came to the parade she said she didn't see anyone who was in home she was then taken into her Room when i look into the Room i saw mister hercules with of the other accused who was charge with police Records and picture of Bernard and Alexander after this i was taken down stairs and back to CID and charge with murder and atemp murder and arm robbery and burglary later that day two police took me to my mother house to search for a gun they search but never found any gun after the search the police ask for one of my pants and shirt when we got back at the CID office i ask mister hercules why he was holding me he said i dont know who was in these peopl home but i hear three people break these people hom i dont know if you was there but we hear you was seen on the 20 of April with Bernard Darling and we know Darling is a house breaker and this is why we charge you.

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No. 40

NO. 40

Reasons for  
Judgment

REASONS FOR JUDGMENT

23rd March  
1972

BAHAMA ISLANDS

1971

IN THE COURT OF APPEAL

Nos. 29, 30 & 32

CRIMINAL SIDE

PHILIP FARQUHARSON  
ALEXANDER PINDER  
BERNARD DARLING

Appellants

30

-v-

REGINA

Respondent

JUDGMENT delivered by Hogan J.A.

At about 5 a.m. on the morning of the 21st April, 1971, the house on Eastern Avenue of the late Mr. Anthony Alexiou was broken into by three

intruders, who gained access through the bathroom window leading to the bedroom of his son Emmanuel and daughter-in-law Sandra, who woke up to find two of the intruders in their room. One, armed with a cutlass penetrated further into the house and in the corridor encountered Mr. Anthony Alexiou, who was soon joined by his wife Ypapanti and their daughter Katherine. The three struggled with this man and both Mrs. Ypapanti Alexiou and her daughter received cuts from the cutlass. Another intruder, armed with a revolver, then joined this group from the bedroom and fired at Mrs. Ypapanti Alexiou wounding her in the chest. This shot was followed by another which killed Mr. Anthony Alexiou. The three intruders then decamped taking with them money and some other articles from the bedroom of Mr. Alexiou's son and daughter-in-law.

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23rd March  
1972

(continued)

The three appellants before us were charged with and convicted of the murder of Anthony Alexiou, the attempted murder of Ypapanti Alexiou, the theft of \$65 and of other articles valued together at \$85, and with breaking and entering the dwelling house with intent to steal therein. In respect of these offences they were sentenced, respectively, to death, 12 years imprisonment, 10 years imprisonment and 7 years imprisonment. Against these convictions and sentences they have appealed and their appeals have been consolidated.

At the trial each of the accused declined the assistance of the counsel provided for him and from time to time created considerable disturbance in Court.

Evidence was given by Sandra Alexiou to the following effect. After an earlier excursion to the bathroom for the purpose of feeding her baby about 4.20 a.m. she woke again shortly afterwards and saw a man standing in the doorway of the bedroom; she called out "Who is there" and the man ducked behind the door; he then started to come into the bedroom and she turned to wake her husband. Turning again to face the room, she saw a man standing right beside the bed with a gun in his hand; someone said "Put your head under the covers and do not move or I will shoot"; she put her head under the covers; but hearing her baby scream, put out her head again and asked them not to hurt her baby; this elicited a command to be quiet; and someone then said

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Reasons for  
Judgment

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1972

(continued)

"Where is the money", she told him that there was money in the drawer right beside the bed: She heard people moving, the drawer being opened and sounds as if they were going away. Again with her head under the covers, she heard noises and her husband trying to get out of bed; she looked up and saw a struggle going on in the doorway; someone whom she could not see was struggling with a man who had a cutlass and whom she identified in Court as the third appellant. She restrained her husband from getting out of bed; she heard a gunshot and then another shot, she got up and went into the corridor where she saw her father-in-law half lying against the table and her mother-in-law lying on the floor underneath him. She heard a car drive away, and she went to her bathroom, the window of which she found wide open, with the screen of the window torn away. Later in the morning she found that her money bag was gone together with about \$50 or \$60 in American and Canadian money and various other articles from the room. She gave evidence of attending three identification parades, picking out the third appellant on the first, picking out another man, who was not charged, on the second and picking out nobody on the third.

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She also identified in Court an album which she said was amongst the missing articles and certain blue beads which she said looked like those that had disappeared from her room that night.

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Her husband Emmanuel gave evidence of having checked the house before retiring on the night in question - making sure that all the windows and doors were closed. He proceeded to tell of being awakened by his wife and then gave evidence substantially confirming the story which she had already told to the Court, with some minor variations in detail, such as that when he went into the corridor he saw his father lying on the ground with his head resting on a table and mother kneeling beside him holding her breast which was bleeding.

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He identified the third appellant as the man whom he had seen standing at the foot of his bed, before putting his head under the covers, and said that, like his wife, he attended three identification parades, at the first of which he identified the

third appellant, at the second a man who was not charged and at the third nobody.

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(continued)

10 Mrs. Ypapanti Alexiou gave evidence of going to bed on the night of the 20th, being awakened by her husband jumping out of bed, of his opening the bedroom door and saying to somebody "What are you doing here." She said that she then saw a man with a cutlass whom she identified in Court as the third appellant that she asked him what he was doing there, that in reply he said "Give me your money" and then tried to hit her husband; that she and her husband tried to hold the hand in which the man had a cutlass and that her daughter Katherine came and joined in these efforts; that the man hit her daughter on the arm with the cutlass; that her little grandson had come out; that she picked him up and gave him to her daughter and told her daughter to take the child into her room; that as she gave her daughter the child she turned and saw two men  
20 standing at her son's bedroom door, and that one of these had a gun in his hand and the other had hold of her straw basket. She identified them in Court as the second appellant who was holding the gun and the first appellant who was holding the basket. She went on to say that her husband and daughter were still struggling with the man who had the cutlass that she made a step towards her husband and heard the gun fired and felt a burning in her right breast and blood; that she saw the man with the basket run  
30 out and the man with the gun standing there holding the handle of the door to keep it open; that the man with the cutlass threw her daughter down also her husband and that her husband fell on her - on the witness, carrying her down with him and that as soon as the man with the cutlass had gone the man at the door fired again, killing her husband, and that she restrained her son from following the intruders.

40 She also gave evidence of attending identification parades and of having picked out the third appellant at the first parade, the second appellant, the man with the gun, at the second parade and of not having picked out anyone at the third parade.

The final eye witness of these events was the deceased's daughter Katherine Klonaris, who gave evidence generally confirming the testimony of her mother but she only identified the accused Darling in



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23rd March  
1972

(continued)

Court, having failed to identify him or any of the other accused at the identification parades and having, at these parades, picked out another man who was not before the Court. In cross examination she said she was shown an album of photos including one of Darling, whom she picked out at that time although she failed to pick him out at the subsequent identification parade on the 24th April.

Mr. Paul Lightbourn gave evidence that his red Triumph car No. 8988 was stolen that evening. Police witnesses gave evidence that in this car on 21st April was found amongst other items the album of photographs identified by Mrs. Sandra Alexiou as her property. Evidence was also given by a finger-print expert that on this car there were the fingerprints of the first appellant and that the bathroom window in the Alexiou house also bore his right thumb fingerprint.

10

Statements by the first and second appellants disclosing their part in the affair were admitted and proved. These statements substantially bore out the account of the incident as described by members of the Alexiou family and the use by the intruders of Mr. Lightbourn's car to get to and from the house.

20

There was testimony of a minor corroboratory character in evidence of the finding of the beads, a cutlass etc. near the red Triumph car, of an attempt to frame an alibi by the first appellant, of conflicting statements as to his whereabouts at the relevant time, allegedly made by the third appellant to the police, and of the whereabouts of the second and third appellants on the morning of the 21st April. A Mrs. Cappdeville, who had let a room to the second appellant, said that she saw a pair of legs disappearing up the stairs in the direction of that room at about 5.45 a.m. that morning followed by the third appellant, who in his own evidence hotly denied his presence; that the second accused had paid her that day with a \$10 Bahamian note and a \$10 Canadian note which she was not very anxious to take and that when she asked the second appellant where he got this note he said that he had received it as a tip for his work as a waiter at the Emerald Beach Hotel the night before. In cross examination she said that the third accused was wearing dark pants and a clean white shirt while Mrs. Ypapanti had said, in relation to the man struggling with her husband and

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daughter, that "he wore a striped shirt - the shirt was a dark colour. I do not know the exact colour".

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(continued)

10 Each of the accused gave evidence denying any participation in the affair and both the first and second appellants denied that they had made the statement allegedly taken from them. The three appellants called witnesses but the trial Judge refused to summon, on the grounds that they could not assist in the determination of the case, a number of witnesses, including the Governor and the Attorney General, whom the third appellant wished to call for a variety of reasons which he detailed to the Judge. Apart from their denials, the main burden of the appellants defence was directed to showing that because members of the Alexiou family had been shown photographs of the second and third appellants prior to the parades, their identification of the accused could not be relied upon, whilst their identification of others who had not been charged showed that their evidence as a whole was worthless. Because the appellants were creating a disturbance they had to be removed from Court during the address of the Solicitor General on behalf of the Crown. On their return, when asked if they wished to address the jury, the first and second appellants availed themselves of the opportunity but the third appellant refused on the ground that witnesses whom he had wished to call had not been summoned.

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30 Before us, the second and third appellants have again declined the services of Counsel provided to assist them and they have conducted their appeal in person. It is unfortunate that these young men, obviously alert, intelligent and articulate, who have apparently made a close study in prison of Archbold's Criminal Pleading Evidence and Practice and have maintained a lively interest in the proceedings before us, should have refused the professional assistance made available to them but that was their choice. Mr. Bethell has appeared on behalf of the first appellant and we have had the advantage of argument from him on six grounds of appeal.

40

The first is that the learned judge was wrong in conducting the case without recording the evidence and proceedings mechanically. For this, Counsel relied on section 57 of the Supreme Court Ordinance, Cap.35, which says, that, whenever possible, adequate equipment for recording the evidence and proceedings

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(continued)

mechanically shall be provided and goes on to indicate the circumstances in which the presiding Judge may order otherwise. The Attorney General for the Crown was disposed to go some distance with Counsel on this ground, conceding that proceedings in the Supreme Court did not always follow the pattern contemplated by section 57, if strictly construed, but went on to say that the section was merely directory and that the customary departures as in this case, did not invalidate the proceedings. However that may be in regard to other matters, so far as the present proceedings are concerned, quite apart from any benefit that might be derived from the application of the principle "omnia presumuntur rita esse acto", we think that the endorsement appearing on page 6 of the record by the learned trial Judge that it was not practical to tape record the proceedings and that the note would be made by him is sufficient to satisfy the requirements of section 57. There is no merit in this ground and in any event there was no complaint by Mr. Bethel that the Judge's notes do not provide a full record of the evidence and proceedings.

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The next two grounds were argued together. They amounted to a complaint that, as section 86 of the Bahamian Penal Code had, in effect, abolished or abrogated the English distinction between principals in the first and second degree and accessories before the fact, and had created a separate and distinct offence of abetting the substantive offence set out in other sections in the Code, the first appellant, who had not himself fired the fatal shot, could not be charged and convicted jointly with the appellants of the murder or indeed of the other offences charged. In answer to this, the learned Attorney General accepted that Bahamian legislation had abrogated the distinction in English law between principals in the first and second degree etc. and had made separate and distinct provision for such persons. He argued, however, that reading the Penal Code as a whole, and more particularly section 86(2), as well as section 73 of the Criminal Procedure Code, which makes provision for the joinder of two or more accused in one charge and for their trial together, the course adopted by the prosecution in the present case was correct and appropriate.

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We think the Attorney General's argument is well founded. Section 86 of the Bahamian Penal Code

makes a very comprehensive provision for dealing with participants in a crime. It lists in section 86(1) a large number of activities as falling within the expression abetment and goes on to say in subsection (2):-

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"(2) whoever abets a crime or offence shall, if the same is actually committed in pursuance or during the continuance of the abetment, be deemed guilty of that crime or offence."

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10 This in itself, quite apart from any other argument, would seem fully to justify the preferment of the charges of murder etc. against the first appellant in the form adopted in the present case.

(continued)

20 Some effort was also made to argue that the direction given by the Judge as to the extent and consequences of the alleged participation by the accused was insufficient and that this was supported by the return of the jury, after the summing up, with a request for further directions. It seems to us, however, that the lucid and cogent direction on this point given by the Judge both before and after the request by the jury is not open to criticism, being consistent with the leading English authority of R. v. Appleby 28 C.A.R.1, and entirely appropriate to the facts of the present case. The second and third grounds must fail.

30 Counsel's fourth ground of appeal was that the Judge did not specifically direct the jury that the weight which they should attach to the alleged confession of his client depended on all the circumstances in which it was taken; that this included the question whether the confession was made voluntarily; and that it was their right to take this factor into account in determining such weight. In support of this ground Counsel referred us more particularly to the case of R. v. Burgess 1968 2 Q.B. p.112 where Lord Parker, delivering the judgment of the Court of Appeal, referred to the clarification of the law and the modification of practice brought about the then recent decision of Chan Wai Keung v. The Queen 1967 2 A.C. 160, and went on to say:-

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"The position now is that the admissibility is a matter for the Judge: that it is thereafter unnecessary to leave the same matter to the jury: but that the jury should be told

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(continued)

that what weight they attach to the confession depends on all the circumstances in which it was taken, and that it is their right to give such weight to it as they think fit."

Counsel also referred to R. v. Ferguson 9 C.A.R. 113 as supporting his contention that an omission to direct on an essential point was a misdirection which would justify quashing a conviction.

In the course of his summation, the Judge having told the jury that "the statement was admitted into evidence after an objection by Farquharson that he did not make any statement whatsoever to the police, that he did not sign any statement, and that his signature had not been proved", went on to say:-

10

"You have seen and heard Inspector Hercules. Is he lying when he gave his evidence of what Farquharson said verbally to him - did he concoct the written statement and put on it a signature purporting to be that of Farquharson? You must decide. If you have any reasonable doubt on the matter you must give the benefit of the doubt to Farquharson."

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The Attorney General argued that this direction was entirely consistent with the requirements of the law as laid down in the Chan Wai Keung case; that in the circumstances of the case, a specific direction as to weight was not essential. and that this could properly be left to the general direction as to onus of proof which had been given by the Judge at the opening of his summation.

30

The judgments in both Chan Wai Keung and Burgess were directed to the difficulty arising from the Judge's function of deciding whether a confession is voluntary so as to determine its admissibility and the consequent danger that a jury, when it comes to consider the weight of the confession, in a case where its voluntary nature has been questioned, may feel this issue has been prejudged for them. The direction commended in Burgess, telling the jury that what weight they attach to the confession should depend "on all the circumstances in which it was taken and that it was their right to give such weight to it as they thought fit" was designed to minimise

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this danger. It is to be noted, however, that the Privy Council, in Chan Wai Keung, where the issue of voluntariness had been specifically raised, did not require the Judge to follow the course previously adopted "of giving a specific direction that the jury must be satisfied beyond reasonable doubt as to the voluntariness of the confessions before giving them any consideration".

In the Court  
of Appeal

—  
No.40

Reasons for  
Judgment

10 Certainly in the present case, where no specific issue as to voluntariness had been raised, there could be no greater obligation on the trial Judge. The specific direction he gave was quite sufficient to bring to the attention of the jury their obligation and right to determine whether the confession had in fact been made. The weight to be attributed to it could, we think, properly be left to the general direction as to burden of proof on which the jury were again refreshed by the sentence at the end of the specific direction. The fourth ground also fails.

23rd March  
1972

(continued)

20 As his fifth ground Counsel complained that the appellant was wrongly denied an opportunity of refuting the allegation that he was properly identified by evidence of fingerprints and/or handwriting.

30 This ground rested on section 6 of the Bahamas Constitution which contains provisions designed to secure for individuals the protection of the law. These include a provision in section 6(2)(c) that a person charged "shall be given adequate time and facilities for the preparation of his defence", and in 6(2)(e) that he shall be afforded facilities, inter alia, "to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the Court on the same conditions as those applying to witnesses called by the prosecution". Section 52 of the Supreme Court Ordinance, Cap.35, also empowers a presiding judge in all cases to allow to witnesses such expenses and compensation for their trouble and loss of time as he may think reasonable.

40 Mr. Bethel argued that, as his client had asserted that the fingerprints on the car and the window were not his, it was obligatory on the Government to provide him with facilities for obtaining, from an expert other than the police expert called by the prosecution, an opinion as to whether the alleged fingerprints did belong to the appellant, and to defray the cost of securing testimony on the point if

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Reasons for  
Judgment

23rd March  
1972

(continued)

it was favourable to the first appellant's contention. The Attorney General denied this, drawing attention to the specific and limited provisions in section 6(2)(d) and (f) of the Constitution for furnishing particular facilities at the public expense, which did not extend to the assistance contemplated by Mr. Bethel although the learned Attorney General did say that the expense of bringing from abroad expert witnesses designated by the defence have, on occasion, been paid. He distinguished this, however, from searching round to find someone who might be in a position to give testimony that would be beneficial to the appellant.

10

Even if the Government have, on occasion, defrayed the expenses of bringing to the Bahamas a witness for the purpose of giving evidence on behalf of an accused, it does not appear to us that section 6 of the Constitution imposes on the Government any obligation to expend public money in seeking out experts, either in the Bahamas or elsewhere, who, if shown the fingerprints in question and the handwriting - on which incidentally there was no expert evidence before the Court - might be in a position to say that these were not the fingerprints or the handwriting of the first appellant. Until such a person was designated there could be no question of defraying his expenses. For the purposes of the present case it is not necessary to go any further but, in thus limiting our decision to the precise point in issue, we would not wish our reluctance to rule on the broader argument advanced before us to be taken as implying support for a contention that the Government is under obligation to defray the cost of bringing designated experts from abroad to testify on behalf of an accused.

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30

Finally Counsel argued that the conviction is not supported by the evidence and submitted that the participation alleged against the first appellant, who was himself unarmed, did not involve him in the killing which, according to the evidence of the prosecution, was ascribable to the second appellant. Attention was also drawn to the absence of any identification of this appellant by members of the Alexiou family, apart from Mrs. Ypapanti, who identified him in Court but not at the parade, notwithstanding their statements that they had abundant

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opportunity of seeing the assailants at the house. This, it was said, left the prosecution case entirely dependent on the fingerprints and the alleged statement apart from the very slender support provided by an alleged attempt at an alibi.

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of Appeal

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No.40

10 In so far as the participation was concerned, we are satisfied that, if the jury believed the facts alleged by the prosecution, these were sufficient to show a common design and a fatal act of violence in pursuit of that design, viz. the use of a revolver, which was not outside the scope of the concerted action (see R. v. Anderson 1966 2 A.E.R. 644). As for the weight of the evidence, the failure of members of the Alexiou family, to identify the first appellant on the parade, etc. as well as the identification of other individuals were factors deserving of the most careful consideration but this aspect was meticulously brought to the attention of the jury by the learned trial Judge and, 20 when due allowance had been made for it, there was clearly sufficient evidence, if believed, in the fingerprints and in his own statement to justify the jury in finding him guilty of participation in the four offences of which he was convicted. The sixth ground of appeal fails.

Reasons for  
Judgment

23rd March  
1972

(continued)

30 We turn now to the second and third appellants. Despite their disruptive conduct in the Court below, they were, with the exception of one outburst for which an appropriate apology was spontaneously offered, correct and polite at the hearing before us, indicating indeed a level of intelligence which in other circumstances could have served them and the community well.

40 In each case the main ground of complaint was that photographs had been shown to members of the Alexiou family before they identified the accused on parade but sharp criticism was also made of calling witnesses who had not given evidence at the preliminary inquiry. In addition the sufficiency of the evidence as a whole was attacked, more particularly that of the Alexiou family which, again, because of its failure to identify each of the accused on each of the parades as well as in its identification of other individuals, coupled with the failure of Emmanuel and Katherine to identify the second appellant in Court, was stigmatised as unreliable. The second appellant went on to make complaint about the



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of Appeal

\_\_\_\_\_  
No.40

Reasons for  
Judgment

23rd March  
1972

(continued)

absence of a handwriting expert, a point on which we have already adjudicated, and questioned evidence about his tennis shoes which was of no consequence as it was entirely inconclusive on the issue before the jury. There were also complaints from the second and third appellants about the identification of clothing, evidence which had no material bearing on the case, and the third appellant concluded by complaining of the failure to summon witnesses whom he had specified.

10

As for witnesses who had not given evidence at the preliminary inquiry, we are satisfied that the requirements of the law were observed, that the appellants had had the appropriate notice and that the Judge was justified in ruling that these witnesses could be called. We are also satisfied that the Judge was justified in his refusal to summon certain individuals specified by the third appellant, including a number of public figures, as the reasons advanced for summoning them were insufficient.

20

There remain the questions of identification; more particularly the use of photographs.

In matters of identification, a parade can serve two purposes. It can provide the police with information as to whether a suspect or one amongst a number of suspects is the real culprit. It can also help to test the veracity and reliability of a witness by showing whether he can pick out and identify from amongst a group an individual who is not pin-pointed by his isolation in a dock. For the former purpose it is not uncommon to provide a complainant etc. with a series of photographs for the purpose of ascertaining whether any amongst the series can be identified as a culprit. When this is done, however, a subsequent parade can have little value as a test of reliability because it may then be as much a test of remembering the photograph as of remembering the appearance of the culprit at the time of the incident. To a great extent, in such circumstances, the display of the photographs replaces the parade as a test of veracity and should be surrounded with similar safeguards.

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The display of a series of photographs is of course a very different thing from submitting a single photograph which carries with it something of the isolation attending an accused in Court and if a

parade is held subsequently not only would the value as a test disappear but it could become misleading if, without disclosure, a witness was primed in this way.

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of Appeal

—————  
No.40

These facets of the use of photographs are reflected in the decided cases and in the text-books.

Reasons for  
Judgment

10 The second and third appellants have pressed upon us paragraph 1009 of Archbold's Criminal Pleading and Practice both in the 34th and 37th Edition, part of which reads,

23rd March  
1972

(continued)

"It is improper for a police officer dealing with witnesses who are afterwards to be called as identifying witnesses to show to those persons photographs of those whom they are about to be asked to identify."

20 The authority quoted for this proposition is R. v. Dwyer and Ferguson 1925, 2 K.B. 799. It is in fact the second paragraph of the headnote to that case, the first paragraph of which reads:-

"It is permissible for a police officer who is in doubt about the question who shall be arrested for a particular offence to show a photograph to persons in order to obtain information or a clue".

30 The paragraph also contains a quotation from the case of R. v. Haslam 19 C.A.R. 59. It is a case that must be treated with some caution as a subsequent note in the report shows that the Lord Chief Justice was under a misapprehension as to the facts when he made his observations. These he subsequently modified in some respects but the modification would not appear materially to affect the headnote which reads "The police are not entitled to assist the identification of suspected persons already under arrest by showing photographs including that of a suspect, to possible or likely witnesses against him".

40 There was a sharp conflict between the appellants and the prosecution as to when the pictures were shown to the witnesses concerned. The third appellant was asked by Assistant Superintendent

In the Court  
of Appeal

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No.40

Reasons for  
Judgment

23rd March  
1972

(continued)

Bullard at about 6.27 p.m. on the evening of the 22nd April to come to the C.I.D. in connection with the murder of Anthony Alexiou. He did so and was seen at the C.I.D. about 10.50 p.m. that evening by Inspector Hercules. The second appellant was arrested on the following day. Inspector Hercules gave evidence that he showed the photographs to Emmanuel Alexiou and Katherine Klonaris on the 21st April 1971 and that he showed the photographs to Mrs. Ypapanti Alexiou at about 7 p.m. on 22nd April at the Princess Margaret Hospital. The second and third appellants gave evidence, evidence which they have stressed to us, that they saw their photographs being shown, and shown in isolation, to Mrs. Ypapanti Alexiou immediately before the identification parades on the 24th. This conflict of evidence was clearly brought to the attention of the jury by the Judge in his summing up and the jury was properly directed as to the consequences which should flow from believing one side or the other. They were carefully and properly directed as to the extent by which the identification would be weakened if they accepted the appellants version of what occurred and the Judge also told them to consider the extent to which subsequent identification might be affected even by the police version.

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It is easy to understand how suspicious the appellants would be once they knew their photographs had been shown to key witnesses. The third appellant told us he learned of this from a cousin in the C.I.D. and, of course, if the account given to him was in any way garbled his suspicions could be intensified but ultimately the issue came down to one of fact as to when the photographs were shown to the witnesses and we see no reason to question the jury's determination of that issue.

30

As for the omissions and errors of the Alexiou family in their identification of the accused and others, explanations were offered, including a measure of fear and confusion following their distressing experiences on the morning of the 21st April. It was for the jury to determine the worth of these explanations and to determine the extent to which the failures to identify and the mis-identification reflected on the case for the prosecution. The Judge in a summing up that can, we think, fairly and properly be described as impeccable

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In the  
Privy Council

words following viz:-

\_\_\_\_\_  
No. 41

Order granting  
special leave  
to appeal in  
forma pauperis  
to Her Majesty  
in Council

24th May  
1972

(continued)

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Philip Farquharson in the matter of an Appeal from the Court of Appeal of the Bahama Islands on its Criminal Side between the Petitioner and Your Majesty Respondent setting forth that the Petitioner prays for special leave to appeal in forma pauperis to Your Majesty in Council from the Judgment of the Court of Appeal of the Bahama Islands on its Criminal Side delivered on the 23rd March 1972 dismissing the Petitioner's appeal against a conviction of murder and sentence of death pronounced in the Supreme Court of the Bahama Islands on the 8th December 1971: And humbly praying Your Majesty in Council to grant him special leave to appeal in forma pauperis to Your Majesty in Council from the Judgment of the Court of Appeal of the Bahama Islands delivered on the 23rd March 1972 or for further or other relief:

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"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal in forma pauperis against the Judgment of the Court of Appeal of the Bahama Islands on its Criminal side dated the 23rd March 1972:

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AND Their Lordships do further report to Your Majesty that the authenticated copy of the Record produced upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Petitioner or the Respondent) as the Record proper to be laid before Your Majesty on the hearing of the Appeal."

40

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually

observed obeyed and carried into execution.

Whereof the Governor or Officer administering the Government of the Bahama Islands for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W.G. AGNEW.

In the  
Privy Council

\_\_\_\_\_  
No.41

Order granting special leave to appeal in forma pauperis to Her Majesty in Council

24th May  
1972

(continued)

E X H I B I T S

STATEMENT OF ACCUSED FARQUHARSON

BAHAMAS POLICE

STATEMENT FORM

Exhibits

\_\_\_\_\_  
Statement of accused Farquharson

10

NAME: PHILLIP FARQUHARSON. ADDRESS: MC'COLLOUGH CORNER EAST  
AGE: 22 YEARS. OCCUPATION: UNEMPLOYED  
SEX: MALE

23rd April  
1971

STATEMENT: I Philip Farquharson wish to make a statement. I want someone to write down I say. I have been told that I need not say anything unless I wish to do so and that whatever I say may be given in evidence.

(Sgd.) Philip Farquharson

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Around two o'clock yesterday morning 21/4/71 Alexander Pinder, Bernard Darling and me gone and get a small little white car from Market Street up by Government House. Shine drive the car. We was riding around. Bernard decided to go in a house. We get tired of riding round in a small white car so we went and change it upon the Eastern Road and change it for a red Vauxhall. We ride up the Eastern Road and then Bernard point out the house. Shine park the car over by the beach and we went over by the house. We climb up stairs on the wall that make like steps and we get on the porch. The bath room window was half opened.

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Exhibits  
 \_\_\_\_\_  
 Statement  
 of accused  
 Farquharson  
 23rd April  
 1971  
 (continued)

Shine gone in through the window and open a door, that had a key in it. When he open the door. Then me and Bernard gone in. Shine had a gun that carry .22 long bullet, in his hand. Bernard had a cutlass. When we get in, Shine gone inside a bedroom. When we get inside I went behind him. Shine tell the girl to shut up. The fellow who was lying in the bed scream and the girl scream. The two of them cover up their head. A little while some next people in a next room come out. When they come out Bernard was in the walk way with the cutlass. I told Shine some people out there. And Bernard was wrestling with the old man. I come out of the bedroom and gone in the bathroom. I had a basket I take from the bedroom. Shine fired two shots at the crowd. I went through the bath room window. Shine and Bernard went out through the door. We climbed down the wall in a hurry. I was almost to the car when Bernard and Shine climb down the wall. We start up the car and move. We drive straight down Eastern Road down the road by Kemp Road and straight down Bar -20 corner. We park near Collins Wall by the High apartments. We jumped the wall and split up. I gone home, McCollough Corner. I leave Shine and Bernard up in that area. We threw away the basket. Shine had the gun and Bernard had the cutlass. I don't know what happened to them. I had on a black pullover and a brown pants. Shine had on a white shirt and a tangerine pants. Bernard was wearing a green sweater and grey pants. All of us had stockings on our heads. I heard that the man was dead when I listened to the news. Shine and Bernard hear that the man dead. We said we were sorry to hear. We only went in the house to get some money. Shine name is Alexander Pinder. Thats all.

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This statement was made by me and read over to me. I have been told that I can correct alter or change anything I wish. This statement is true. I made it of my own free will.

40

(Sgd.) Philip Farquharson

Witnessed by B.K. Bonamy

23/4/71

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STATEMENT OF ACCUSED PINDER

Exhibits

BAHAMAS POLICE

STATEMENT FORM

Statement  
of accused  
Pinder

NAME: Alexander Pinder. ADDRESS: No Fixed Address.  
SEX: Male.  
AGE: 18. OCCUPATION: Construction Worker.  
SEX: Male.

23rd April  
1971

(continued)

10 STATEMENT: I Alexander Pinder wish to make a state-  
ment. I want someone to write down what I say, I  
have been told that I need not say anything unless I  
wish to do so, but whatever I say may be given in  
evidence.

(Sgd.) Alexander Pinder

20 Around 9.00 p.m. on Tuesday night 20th April,  
1971 I went by the Zulu with Smooth, Bernard Darling,  
Berry Thompson, I left the Zulu and gone through  
McCullough Corner by Naomi about 10.00 p.m. I went  
back out by the Zulu. Me Bernard Darling and Smooth  
walk up over Centerville area by the Dundas Civic  
Centre. Smooth hook up a big car and I drive it.  
The three of us ride round. We change the car when  
we get up east of the Montague. We got a red car. I  
hook this one up and Smooth drive it. I followed in  
the first car. We drive the two cars up the Eastern  
Road and park on the side of the road by the beach.  
The three of us got out. Smooth, had a gun. I had  
a cutlass. We went to a house. Smooth climb up the  
wall to the top porch. Bernard went up next then me.  
30 I was keeping watch. When we got on the porch Smooth  
open the door. He was already on the inside. The  
three of us went inside. Smooth went inside the  
bedroom with the gun in his hand. I went with him.  
Bernard stay outside the bedroom door. I give the  
cutlass to Bernard. Smooth shoot the gun over the  
people head in the bedroom and then give it to me.  
He was searching in the drawers. Then after that  
the people gone to look at Smooth and I tell them  
to keep their heads still. After Smooth was finish  
the people come running. I give Smooth the gun and  
40 jump through the bathroom window. Smooth give the  
gun back to me and he jumped through the window.  
After I see that they had Bernard inside I pushed  
the door open and I shoot three times at the people.  
Then we all jumped downstairs and run to the cars.



Exhibits  
—  
Statement of  
accused  
Pinder  
23rd April  
1971  
(continued)

We drive down the Eastern Road and parked one car through one bushy area. Smooth jump in the red car I was driving and we come round the back road and leave the car right over the wall. Then we jump over the wall and Smooth say we should hide the gun. So he hide the gun behind a building. I don't know what Bernard do with the Cutlass. After Smooth come back we sit down and drink the rum. Then we split up and gone home. My pants get tear up when I was running through the bush so I throw it over the wall. This is the way every thing go. I did not get any money. Smooth take the plates of the car. He had some stockings in the car.

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This statement was made by me and read over to me by Insp. Hercules . I have been told that I can add alter or correct anything I wish. This statement is true I made it of my own free will.

(Sgd.) Alexander Pinder.

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Witnessed by N. Gittens 23/4/71.

C.K.1.  
Two letters  
found re  
accused  
Farquharson

C.K.1

TWO LETTERS FOUND RE ACCUSED  
FARQUHARSON

PHILIP FARQUHARSON.

LORETTA MARTHEN.

May, 1971.

Hi Sister how are you,

Am sitting here informing you with all the best wishes of (Love) from my heart.

30

Sister listen carefully to what am saying to you now this is it. On the 20 of April which is a Tuesday me and you was on (East Street) by the (ZULU CLUB) and I was there shutting pool, and about (12,oclock) me and you walk home where you living. and tell them this and dont be scare at all of them, and tell them that I never leave

from you until (6 oclock) wednesday evening so pleas  
do this for me and get some more sister and brother  
with you to say yes is true.

Exhibits

—  
C.K.1

Now look here I want you to take care of yor self  
and be nice and do things that means the most to you  
and would help you (Patsey) one love and more  
sister and brother, (One Love) (Smooth now, Smooth  
for ever) (one heart one love sister.)

Two letters  
found re  
accused  
Farquharson

(continued)

Yours Truly,

10

(One Heart One Love Sister.)

Smooth

Exhibit: C.K.1.



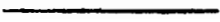
Love sister one heart say nothing just keep the  
faith, now sister listen to me carefully what am  
saying now you go and by me some fruit orange apple  
and cigaret and a family size paste or if you can  
get the family size try get, a extra large one, and  
when you get this, take the past and open the buttom  
carefully and neat and then get one or two hack saw  
blade and put it through there and close it back up  
neat and good and bring it for me, look here sister  
go and get my little sister or some one you can get and  
you come up here, and just drop it to the gate, sister  
look here you got to c/o that forme because we got  
to make it dont worry i will get to gather when i get  
the blade just do what I say and have faith you see  
this charge against us is very serious so do what i  
say and every thing will be fine. If you can do  
that just call futer one and let him do that for  
you. You buy the stuff and let him fix it up By  
sister one hearth one love to all also.

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30

By take care (Yours Smooth.)

Exhibit: C.K.1.



Exhibits

EXHIBIT 22

No. 22

INTERROGATION OF ACCUSED  
BERNARD DARLING

Interrogation  
of accused  
Darling

Bernard Darling

10.00 p.m.  
22.4.71

22nd April  
1971

- Q. Where were you all day?
- A. Lewis Str for a portion of the day. Went by Cinema. Was on my way home when Mr. Bullard saw me.
- Q. Where did you sleep last night? 10
- A. I slept home last night. I went home from the evening.
- Q. Where did you sleep Tuesday night (20.4.71)
- A. I slept at home Tuesday night from around 12 midnight. I dont know what time I got up yesterday morning.
- Q. Who else can say that you slept home on Tuesday night?
- A. My Grand-mother Laura Brown was home. She was not asleep when I went home. 20
- Q. Which room did you sleep in and what time did you leave home yesterday?
- A. There are four rooms in house. I sleep in back room. My grand mother sleeps in a different room. She was lying down when I got up. I changed my clothes and came on East Str. I dont remember seeing any school children. It was after day break. I dont know what time. 30
- Q. What clothes did you wear yesterday and the day before?
- A. I wore a gray pants and a yellow <sup>LH</sup> ~~shert~~ long sleeve shirt yesterday. On Tuesday I was wearing a greyish pants and this same shirt. (Yellow knitted shirt)
- Q. I want you to tell me where you were from sunset on Tuesday 20.4.71.
- A. I was around East Str by the Theatre and through

243.

Lewis Str. A crowd of us was together.  
and couple other fellows. I dont mean that we  
was travelling together. I mean we were by the  
theatre together. We went down by Father Allen.  
I went by myself. I dont know what time I went  
by myself. I then went home around 12 m.n.

Signed: L.O. Hercules Sup.

Wit: Bernard Darling

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Exhibits

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No.22

Interrogation  
of accused  
Darling

22nd April  
1971

(continued)

IN THE PRIVY COUNCIL

No.19 of 1972

ON APPEAL FROM  
THE COURT OF APPEAL OF THE BAHAMA ISLANDS  
ON ITS CRIMINAL SIDE

B E T W E E N :

PHILIP FARQUHARSON Appellant

- and -

THE QUEEN Respondent

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R E C O R D   O F   P R O C E E D I N G S

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