



IN THE SUPREME COURT OF BERMUDA

APPELLATE JURISDICTION

2017: No: 53

BETWEEN

TAFARI WILSON

APPELLANT

V

FIONA MILLER (POLICE SERGEANT)

RESPONDENT

JUDGMENT¹

Appeal against conviction in Magistrates' Court - Conspiracy to import cannabis - Sufficiency of findings and reasons for decision - Criminal jurisdiction and Procedure Act 2015, section 83(5) - Section 6 (1) of the Bermuda Constitution Order 1968 and the right to a reasoned decision - Whether Magistrates are required to give reasons which include directions in law given to juries – Adequacy of reasons explaining legal directions on lies and circumstantial evidence

Date of Hearing: November 27, 2017

Date of Judgment: January 23, 2018

Mr. Marc Daniels, Marc Geoffrey for the Appellant

Mrs. Christal Hanna, Dept. of Public Prosecutions for the Respondent

¹ This Judgment was circulated to the parties without a formal hearing.

Introduction

1. On the 14th November 2015, the Appellant Tafari Wilson attended the Air Canada Office at the L.F. Wade Airport to collect a package. The shipping documents identify James Anderson in Toronto, Canada as the person who sent the package. The package is addressed to Cathy Wilson, Unit 4, 5 Christopher Close, Devonshire Parish. Cathy Wilson is the Appellant's mother.
2. On the 18th November 2015, Mini Max Forwarders Limited delivered the package to the Appellant at his home address, Unit 1, 4 Christopher Close Devonshire Parish. The package contained 427.5 grams of the controlled drug cannabis concealed in pillows found among other household items.
3. Mr. Wilson was charged with the offence of conspiring with others to import cannabis into the Islands of Bermuda on the 11th November 2015, contrary to section 4 (3) of the Misuse of Drugs Act 1972, as read with section 230 of the Criminal Code 1907. At his trial, he testified *"I can tell you nothing about this importation. I did not know nothing about it until I got to the police station. Never heard of Mr. Anderson. First time in court. Never heard of Him"*.
4. The central issue at the trial was whether Mr. Wilson knew the package contained the controlled drug cannabis. All other facts were undisputed at the trial.
5. The Worshipful Magistrate Tokunbo was not impressed with Mr. Wilson's evidence. He said:

"As regards the Defendant's testimony, he did not impress me as a witness of truth. I did not find him to be fully credible about his interest in, and connection with the package or about why he never told his mother about the arrival of the package for her, of which he had no interest."

The Learned Magistrate also found:

"The Defendants explanation that he was merely collecting his mother's package is not satisfactory in all the circumstances, and as stated earlier, I did not find him to be truthful about his involvement".

On the 3rd March 2017, he convicted Mr. Wilson on the single charge he faced.

6. The Appellant now appeals against his conviction on the following amended ground of appeal. The Crown did not oppose the application to amend the Notice of Appeal.

"That the Learned Trial Magistrate erred, as a matter of law, by failing to direct his self on the law governing "lies" and "circumstantial evidence", which led to a substantial miscarriage of justice. "

7. In support of the sole ground of appeal, the Appellant has raised five points. Mr. Daniels who appears for the Appellant contends success on any of the first four points must result in the Court quashing the Appellants' conviction. And, success on the fifth point justifies quashing the conviction in all the circumstances. The five points are as follows:

- (1) As a matter of law, Magistrates are required to give reasons for their decisions. The Learned Magistrate failed to provide adequate reasons for his decision which should have included directions in law equivalent to the directions in law given to juries in a Supreme Court trial.
- (2) The Learned Magistrate failed to direct himself adequately or at all on the question whether lies told by the Appellant demonstrated the Appellant was conscious he was guilty.
- (3) The Learned Magistrate failed to direct himself adequately or at all on the question whether lies told by the Appellant were only relevant to the Appellant's credibility and not to his guilt.
- (4) The case against the Appellant was entirely based upon circumstantial evidence. The Learned Magistrate failed to direct himself adequately, or at all on the law of circumstantial evidence.

- (5) As a result of the Learned Magistrate failing to direct himself on the law in relation to both lies and circumstantial evidence, there has been a miscarriage of justice. Consequently, the Appellant's conviction should be quashed.
8. This Appeal raises three broad issues. First, whether Magistrates trying cases in the criminal jurisdiction are required to give reasons for their decisions which include directions in law equivalent to the directions in law given to juries hearing cases in the Supreme Court. On the narrow question in the first issue, I rule Magistrates are required to provide reasons for their decisions. Indeed, in this jurisdiction, the law on this question is uncontroversial and settled. However, on the broader question in the first issue, I rule that Magistrates are not required to provide reasoned judgments which include directions in law equivalent to directions a trial judge would give to a jury.
9. The second issue is whether the Learned Magistrate was required to direct himself in law on lies told by the Appellant regarding both consciousness of guilty and credibility, and, was he also required to direct himself in law on circumstantial evidence. If each of those directions was required, was each direction satisfactory? I rule that the Learned Magistrate was not required to direct himself in law on lies going to both the questions of consciousness of guilt and credibility. In my view, the judgment reflects that the Learned Magistrate gave himself a satisfactory circumstantial evidence direction to discharge the legal duties imposed upon him.
10. Finally, in all the circumstances, I am not persuaded there has been a miscarriage of justice. Accordingly, I dismiss the Appeal.

The duty to record findings and/or reasons for decisions

The Law

11. Section 83(5) of the Criminal Jurisdiction and Procedure Act the ("CJPA") provides as follows:
- “(5) The record of proceedings must include the magistrates' court's final judgment in writing, which will include*
- (a) the point or points for determination;*

*(b) the decision made on such points; and
(c) the reasons for the decisions.”*

12. Compliance with the three-pronged test in section 83(5) of the CIPA enables an aggrieved person and an appellate court to confirm that the decision was arrived at in a legally correct manner and understand why the case of the losing party has been rejected. In addition, giving reasons equips the losing party to make an informed decision on the right to appeal. Reasons also explain the outcome of the case to the public at large and to those observing the proceedings in court.
13. Most recently, in *Whitehurst V Miller* [2017] SC (Bda) 31 App, the Chief Justice considered the extent of the obligation upon Magistrates to comply with the provisions of section 83(5) of the CIPA. It is now settled law in these Islands that Magistrates exercising their powers in the criminal jurisdiction must comply with the requirements of section 83(5) of the CIPA.
14. In the United Kingdom, the obligation imposed upon Magistrates to provide a reasoned judgment at the end of a trial is now considered part of the broader duty imposed upon all judges under Article 6(1) of the European Convention on Human Rights (“the Convention”)². In *Ruiz Torija v Spain* (1994) 19 E.H.R.R. 553, ECtHR at paragraphs 20 and 21, the court identified the relevant article of the Convention and the question the court had to decide:

20. The relevant part of Article 6(1) of the Convention reads as follows:

In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.³

² On the 22nd November 2010 Bermuda accepted the competence and authority of the European Court of Human Rights

³ The ellipsis refers to the following words omitted from article 6(1) in the quotation “or of any criminal charge against him”

21. The applicant asserts that according to the case law of the Supreme Court an appeal court has a duty to examine of its own motion all the arguments advanced before the court of first instance, and that the Madrid Audiencia Provincial omitted to do this.

And then at paragraphs 29 and 30 of the judgment the court held:

"The court reiterates that Article 6(1) obliges the courts to give reasons for their judgments, but cannot be understood as requiring a detailed answer to every argument. The extent to which this duty to give reasons applies may vary according to the nature of the decision".

15. In the European Court decision *Helle v Finland* (1998) 26 E.H.R.R 159 at paragraph 60, the court emphasised that the judgment of a court must address the essential issues and where a submission is relevant and potentially decisive, it should be specifically dealt with in the judgment.
16. Section 6(1) of the Bermuda Constitution Order 1968 ("the Bermuda Constitution") reads as follows:

Provisions to secure protection of law

6 (1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

It is now generally accepted in the courts of Bermuda that Section 6(1) of the Bermuda Constitution is essentially derived from Article 6(1) of the Convention. Recent recognition of the origin of Bermuda's fair trial protections is found in the judgment of the Chief Justice in *J and S v Attorney General and the Director of Public Prosecutions* [2016] Bda LR 6 at paragraph 20. Therefore, in light of the jurisprudence emanating from the European Court, it should now be considered the law of Bermuda that Magistrates exercising their jurisdiction in the criminal courts are not only required to give reasons for their decisions under section 83(5) of the CIPA,

the obligation to provide a reasoned decision is also safeguarded by section 6 (1) of the Bermuda Constitution Order 1968.

Positions of the parties on the duty to record findings and/or reasons for decisions

17. Mr. Daniels argues that as a matter of principle, Magistrates trying criminal cases must not only hand down reasons for their decisions or rulings, he also contends their reasons should include legal directions on any questions determinative of guilt or innocence. He asserts that the legal directions must be identical to the directions given by a Supreme Court judge to a jury.
18. Mrs Hanna who appeared on behalf of the Crown accepted the argument that Magistrates are required to provide written reasons for their decisions. However, she rejected the notion that in their reasoned judgments Magistrates must also include directions in law identical to the directions a trial judge would give to a jury in a Supreme Court trial. Mrs Hanna referred the Court to paragraph 12 of the judgment of the Chief Justice in *Leo Simmons v The Queen* [2015] Bda LR 118, in support of her argument that section 21 of the Summary Jurisdiction Act states that Magistrates must ensure their judgments contain reasoned findings of fact, not law. Section 21 of the Summary Jurisdiction Act was repealed and replaced by section 83(5) of the CIPA.

Conclusion on the duty to record findings and /or reasons for decisions

19. The law unquestionably imposes an obligation upon a Magistrate to provide a reasoned decision at the end of a criminal trial. The reasons must enable the parties to understand how the court resolved the questions which determine the guilt or innocence of the accused. However, the reasons need not be elaborate.
20. Mr. Daniels implies that in their role as both trier of fact and law, Magistrates are analogous to juries. He further argues that Magistrates must therefore demonstrate in their reasoned rulings that they have directed themselves on the law in like manner a jury would be directed. I do not

accept this submission. Further, the argument is unsupported by any legal authority or practical rationale and fails to appreciate who is receiving the direction and for what purpose.

21. The direction in law by a Supreme Court judge to a jury equips the jury to make its decision as the trier of fact within the correct legal context. However, Magistrates are presumed to know the law and the correct legal framework within which to make their factual determinations. A detailed written direction to themselves of the relevant legal principle would merely recite in the judgment what they are presumed to know, as opposed to providing information of what they do not know to ensure their judgment on the facts is based upon the correct legal principles.
22. I also do not accept the assertion made by the Crown that section 83(5) of the CIPA only imposes a duty upon a Magistrate to provide a factually reasoned judgment which need not include or identify the relevant legal principles which the Magistrate must consider to render the judgment. I find that an accused person is entitled to a reasoned judgment on the legal issues the court has considered to determine the outcome of the trial.
23. While the law does not support the conclusion that a Magistrate is required to set out in detail the legal directions which he gives himself to make a judgment or finding, the decision must record that the Magistrate both considered and applied any relevant legal principle which properly considered could determine the guilt or innocence of the accused. This approach reflects the decision of the European Court in *Helle v Finland*.

Necessity for a lies direction

The law

24. I can conveniently consider Mr. Daniels submissions challenging the Learned Magistrates' failure to direct himself on the question whether lies told by the Appellant demonstrated the Appellant was conscious he was guilty of the offence, together with his attack upon the Learned Magistrates' failure to direct himself on the question whether lies told by the Appellant were only relevant to the Appellant's credibility and not to his guilt.

25. Mr. Daniels and Miss Hanna both accept that the Queensland Bench Book Specimen Directions on lies told by a defendant in criminal proceedings in connection with both consciousness of guilt and credibility form part of the law of Bermuda. The consciousness of guilt legal direction identifies precisely the lie relied upon by the prosecution together with the basis upon which the lie is said to be capable of implicating the defendant in the commission of the offence charged and not some lesser crime. The credibility legal direction requires the trier of fact to determine whether the defendant deliberately told a lie and if so, to go on and consider if the lie affects the defendant's credibility not his guilt of the offence.
26. The Learned Magistrate did not rely upon either the consciousness of guilt lies direction or the credibility lies direction. Instead, the Learned Magistrate considered whether he could infer the Appellant was guilty based upon all the evidence adduced during the trial and relied upon the Bermuda Court of Appeal case of *Fox v R* [2001] Bda LR 11 Criminal Appeal No. 68 at page 7 in which Cons, J.A. said the following:

“However, we must not be taken to say that a receiver can never be found guilty of importing. There may be cases where particular evidence will justify an inference that in that particular case the receiver was in fact himself also the principal, or one of the principals to the importation. But that is not the present case.

*We envisage that cases where the Crown will be able to ask the jury to draw that inference will be few and far between. But in the common case where the Crown can show no more than that the defendant, either himself or through others picked up, or was about to pick up drugs which had already been unlawfully imported, the Crown may quite properly invite the jury to infer from that alone that the defendant had been party to a conspiracy that the drugs should be so imported. Indeed, in the absence of any satisfactory explanation, it would be strong evidence of the defendant's guilt i.e. if he had not agreed expressly or otherwise to the drugs being imported, why was he picking up the drug? The picking up of the drug would not, of course, be an act in furtherance of the conspiracy, as were the acts of the speed boat crew in *Tse Hung-lit*. The conspiracy,*

by then, would of necessity have already run its course. But it would be an act which pointed to the defendant's earlier agreement."

Position of the parties on necessity for a lies direction

27. Mr. Daniels challenged the Learned Magistrates' failure to provide a judgment which included either the lies direction on consciousness of guilt or credibility. He argued the failure to give himself either direction amounted to an error of law. Next, he contended that it was incumbent upon the Learned Magistrate to provide a reasoned judgment explaining what evidence the Defendant gave which he found lacking in credibility. Relying upon the case of *Leo Simmons v The Queen* [2015] Bda LR 118, Mr. Daniels submitted that if the Learned Magistrate found the Appellant untruthful, the Appellant must have been lying. If the Appellant lied then the Learned Magistrate must state in his judgment what evidence demonstrated the Appellant lied and whether that lie was considered with, and tested against, other evidence adduced during the trial. Mr. Daniels contended that because the Learned Magistrate did not properly analyse the evidence on the issue of lies, this amounted to an error of law which should result in quashing the finding of guilt.

28. Mrs Hanna relied upon *Blackstone's Criminal Practice, 2017* at F1.21, in support of her submission that based upon the facts of the case, there was no need for either a credibility or consciousness of guilt lies direction because the Crown is not seeking to rely upon lies told by the Appellant before or at the trial. Miss Hanna contended the Appellant never agreed that he lied. She also argued that a lies direction touching upon the credibility of an accused person is only required when a lie told by the accused is relied upon by the Crown or may be used by the jury to support evidence of guilt, as opposed to reflecting upon the credibility of the accused. Miss Hanna also cited paragraph 12 in the *Leo Simmons* case in support of her argument that the central issue, in this case, concerned the whether the Appellant knew the package contained cannabis. All other facts were undisputed at the trial.

Conclusion on necessity for a lies direction

29. I find that the central issue, in this case, was whether the Appellant knew the package contained the controlled drug cannabis. Miss Hanna correctly submits that the question whether the Appellant lied about his connection with the package did not arise at trial and certainly did not arise in the way Mr. Daniels now makes submissions on the necessity for detailed legal directions on lies told by the Appellant.
30. The Learned Magistrate was not faced with evidence adduced by the Crown alleging the Appellant lied from which his guilt can be inferred. Nor, was he required to consider evidence from the Appellant putting forward inconsistent versions of events or admitting that he lied but was not guilty of the offence.
31. Mr. Daniels approach is to characterise the Learned Magistrates' conclusion that he did not find the Appellant a credible witness as lying. Mr. Daniels then suggests the Magistrate should have directed himself on how to treat that lie. The primary issue in the case was not whether the Appellant lied, or how the Appellant's lies established his guilt. The issue the Learned Magistrate had to resolve was whether the Appellant knew the package contained a controlled substance in circumstances where he could infer he was party to a conspiracy to import the package.
32. The Learned Magistrate relied upon the dicta of Cons JA in the case of *Fox v The Queen* and said the only reasonable inference to be drawn from the evidence was that the Appellant was party to an agreement to import the package concealing cannabis. In my view, the Learned Magistrate was not required to assess the evidence based upon either the consciousness of guilt lies direction, or the credibility lies direction. I, therefore, dismiss this argument in support of the appeal.

Adequacy of the Circumstantial Evidence direction

The law

33. Mr. Daniels and Mrs Hanna both accept that the Queensland Bench Book Specimen Directions on circumstantial evidence form part of the law of Bermuda. The Queensland Bench Book sets out the following three special directions which are given in cases involving circumstantial evidence:

- As to drawing inferences.
- That “guilt should not only be a rational inference but should be the only rational inference that could be drawn from the circumstances”.
- That “if there is any reasonable hypothesis consistent with innocence, the jury’s duty is to acquit”.

I must also mention that the Queensland Specimen Direction on circumstantial evidence goes on to say the following:

“The second and third directions are but different ways of conveying, or emphasizing, the meaning of beyond reasonable doubt. So while such directions may be helpful in many, if not most cases involving substantial circumstantial evidence, there is no invariable rule of practice that such directions should be given in every case involving circumstantial evidence”.

Position of the parties on adequacy of the Circumstantial Evidence direction

34. Mr. Daniels submitted that based upon the facts of the case, the Learned Magistrate should have given himself, and ensured the judgment reflected, that he considered and applied the three special circumstantial evidence directions. Mr. Daniels then contends the offence of conspiracy requires agreement however in this case the judgment does not reveal what evidence the Learned Magistrate relied upon to find the Appellant agreed to import cannabis.

35. Mr. Daniels conceded the Learned Magistrate did give himself a circumstantial evidence direction which is found on page 124 of the record. However, the direction was wholly inadequate because it was not equivalent to the three special directions found in the Queensland Bench Book and did not match the standard circumstantial evidence direction given to juries by judges in Bermuda. He argued the circumstantial evidence direction was necessary in this case because knowledge of the shipping details for the package combined with the Appellants possession of matching shipping documents turned out to be the crucial evidence from which guilt was inferred. Mr. Daniels contended the importance of a full circumstantial evidence direction is highlighted by evidence that the Appellant's brother Tarico Wilson equally could have provided their mothers shipping details for the package. The result being, that Tarico Wilson could equally have committed the offence for which the Appellant was found guilty.
36. Mr. Daniels relied upon a Fijian authority, *Tarusila Lewadau Mafi v The State* appeal case No. HAA 037 of 2013. In that case the Fijian Court of Appeal favourably commented on the circumstantial evidence direction given by the Suva Magistrates Court in which the Magistrate explicitly asked himself the question whether there is an inference other than guilt which can be drawn from the facts or there is someone else who could be guilty of the offence. In which case, the accused must be acquitted. Mr Daniels argued that the circumstantial evidence direction in the *Tarusila* case is the model direction on circumstantial evidence which the Learned Magistrate should have given himself and applied in this case.
37. Mrs Hanna countered that the circumstantial evidence direction was adequate. The Learned Magistrate first identified the case was based entirely on circumstantial evidence. He then listed nine items of evidence which he found amounted to circumstantial evidence and then concluded the only reasonable inference that he could draw from the evidence is that the Appellants explanation concerning what he knew about the contents of the package was untrue. Mrs Hanna repeated her primary submission that a Magistrate knows the law and is not required to direct himself in law on the record, a Magistrate must give reasons for his decision. The reasons must identify he has considered the proper approach to circumstantial evidence but need not include verbatim the circumstantial evidence direction trial judges give to juries.

The Magistrates' Circumstantial Evidence Direction

38. On pages 124 to 126 of the record Magistrate Tokunbo set out the approach he took assessing the law on circumstantial evidence and its application to the facts of the case. The direction is set out below.

"The evidence in this case is entirely circumstantial. What is it?"

I find it to be the following:-

- 1) That a package is shipped to Bermuda with the name, address and telephone numbers of the Defendant's mother, Cathy Wilson.*
- 2) The package arrives in Bermuda on 11/11/15 when Cathy Wilson is overseas.*
- 3) That Cathy Wilson knows nothing of this shipment or the shipper and did not give her name, and or telephone number for such.*
- 4) Cathy Wilson has never seen the shipping documents in her storage room or in the Helly Hensen jacket pocket belonging to the Defendant until shown to her by police several days later after arrival in Bermuda on 18/11/17. This date is when she first became aware of the package's existence and it being at her home.*
- 5) When Cathy Wilson makes online orders they are shipping to a U.S. address not her house, and she gave the Defendant no instructions regarding any packages.*
- 6) Defendant receive the call at his home he says, and shows an interest in collecting package by attending airport at least twice, paying the relevant fees and charges for release and leaving his cell number as contact for delivery.*
- 7) Defendant meets and collects package upon delivery and places it and documents in his storage room outside his residence, not in his house where mother can see it.*
- 8) Another set of shipping documents are found in his bedroom in the pocket of a Helly Hensen jacket belonging to him, and;*
- 9) Cathy Wilson returned home on 12/11/15 but Defendant never communicated to her the existence of the package or left the documents for her to discover.*

Are all 9 of these findings merely coincidental? It is coincidental that the package has Cathy Wilson's name, address and telephone number on it when she has nothing to do with it and knows of no James Anderson?

I think not.

In my view the only reasonable inference that can be drawn from this and the other findings together, is that the Defendant supplied those details, and was party to an agreement to import that package with the cannabis concealed thereon. For that reason he inquired, paid and collected the package.

In all the circumstances, I am satisfied so that I feel sure that the Defendant is guilty as charged"

39. Magistrate Tokunbo also relied upon the following additional pieces of evidence referred to on pages 122 and 123 of the record:
- The Appellant provided his personal contact number for receipt of delivery of the package once it was cleared for release and in fact made his way to meet and receive the package when it was eventually delivered.
 - The Appellant said he had no reason to tell his mother the package was for her.
 - When the Appellant received a telephone call at his home that a package had arrived for his mother, he asked if he could collect it on her behalf.

Conclusion on adequacy of the Circumstantial Evidence direction

40. The law does not impose an obligation upon a Magistrate to set out the circumstantial evidence direction in their judgment in the same fashion a trial judge would give such a direction to a jury. However, in this case, the approach the Magistrate took to assessing circumstantial evidence was an important feature in determining the outcome of the trial. As a result, section 83(5) of the CIPA and section 6 (1) of the Bermuda Constitution Order 1968 imposed an obligation upon

the Magistrate to ensure his reasons addressed the relevant aspects of the legal test for circumstantial evidence and its application to the facts of the case.

41. In this case, the Learned Magistrate set out the factors which he considered amounted to circumstantial evidence and concluded the *only reasonable inference* that can be drawn from those factors and other findings (referring to the additional evidence on pages 122 and 123 of the record) was that the Appellant supplied the important details for the package and was party to an agreement to import the package. The Learned Magistrate identified the correct legal test and applied that test to the facts of the case. I say the correct test because there is no material difference between the *only reasonable inference*, which are the words used by the Learned Magistrate, and the *only rational inference*. Rational inference are the words found in the Queensland Bench Book directions.
42. Mr. Daniels contends there was more than one rational inference which could be drawn from the facts, namely that the Appellant's brother Tacrio Wilson could have been guilty of the offence. This contention overlooks the fact that on the evidence before the court, the Appellant's brother had no connection with the package and showed no interest in it.
43. I find the reasons given by the Learned Magistrate in the judgement include a circumstantial evidence direction from which it is apparent that not only did he identify the items of circumstantial evidence he could properly rely upon, he also assessed the evidence by applying the test for drawing inferences in importation cases found in the case of *Fox v The Queen*. I, therefore, dismiss the appeal to the extent it relies upon an inadequate circumstantial evidence direction.

Miscarriage of Justice

44. Section 18 (1)(c) of the Criminal Appeal Act 1952 gives the Supreme Court power to allow an appeal if it finds that on any ground there was a miscarriage of justice. In light of my ruling on the lies and circumstantial evidence directions, and the totality of the evidence relied upon by the Learned Magistrate in support of the finding of guilt, I am not persuaded there has been a

miscarriage of justice. The evidence demonstrates that the Appellant showed a singular and persistent interest to obtain the package with which he now asserts he was evidentially unconnected. In my view, the evidence adduced at trial does support the rational inference that the Appellant knew the imported package contained the controlled rug cannabis.

45. For the above reasons I dismiss the Appellants appeal and remit the matter to the Learned Magistrate for sentencing which was adjourned pending the outcome of this appeal. Subject to hearing Mrs Hanna, I would extend the Appellant's bail until such date as he is required to attend the Magistrates Court.

Dated this 23rd day of January, 2018

DELROY B. DUNCAN
Assistant Justice