

COMMONWEALTH OF THE BAHAMAS

CRI/VBI/251/8/2023

IN THE SUPREME COURT

Criminal Division

BETWEEN

THE DIRECTOR OF PUBLIC PROSECUTIONS

AND

SHAQUILLE SANTINO WILLIAMSON

Before: **The Honorable Madam Justice Renae McKay**
Appearances: **Tamika Roberts and Timothy Bailey for the Prosecution**
Mario Gray for the Convict
Hearing Date: **1st October 2025**
Decision Date: **4th November 2025**

SENTENCING DECISION

McKay, J.

- [1.] Shaquille Williamson (hereinafter referred to as Williamson or the Convict) was charged with one count of Attempted Procurement contrary to section 7(a) (v) of the Sexual Offences Act, Chapter 99.
- [2.] The facts as alleged accepted by the jury was that on 5th July, 2023, Shaquille Williamson, by intimidation, did attempt to procure the Complainant herein to have unlawful sexual intercourse.

SUMMARY OF THE FACTS

- [3.] On Wednesday, 5th July, 2023 sometime after 1:00am the Complainant and her boyfriend at the time were engaged in sexual intercourse on the hood of a Honda vehicle at the beach at Stokes Cabana at the eastern end of New Providence. The Convict a serving member of the Royal Bahamas Police Force on duty at the

Elizabeth Estates Station dressed in standard blues police night uniform and armed with a police issued firearm pulled up on the couple in a marked police vehicle with the police lights flashing. The couple ran to the rear of the vehicle. After covering themselves they engaged with the Convict who inquired of them if they had any extant matters before the Courts. The Convict subsequently advised the Complainant that she had a warrant in the system and told the male that he was straight.

- [4.] Thereafter the Convict attempted to persuade the Complainant to have sexual intercourse with him in exchange for him dealing with alleged outstanding road traffic warrant. The Complainant had the wherewithal to contact police control room who dispatched officers to the scene who effected the arrest of the Convict.

THE LAW

- [5.] **Section 7 (a) (v) of the Sexual Offences Act, Chapter, 99** is in the following terms:- “Any person who — (a) whether by electronic means or otherwise —

...

- i. (v) by threats or intimidation, procures or attempts to procure any person to have unlawful sexual intercourse either in or outside The Bahamas
- ii. ...
- iii. is guilty of an offence and liable to a term of imprisonment of fifteen years.”

SENTENCING PROVISION

- [6.] **Section 185 of the Criminal Procedure Code, Chapter 91** (“the CPC”), provides as follows:-

“The court may, before passing sentence, receive such evidence as it thinks fit in order to inform itself as to the sentence proper to be passed and may hear counsel on any mitigating or other circumstances which may be relevant.”

PROBATION REPORT

- [7.] A probation report dated 9th September, 2025 was prepared by Ms. Tabitha Hanna of the Department of Rehabilitation/Welfare Services. Therein she stated that the Convict had a stable Christian upbringing and at the time of the commission of the offence was a member of six years standing of the Royal Bahamas Police Force.
- [8.] Williamson a single father of two daughters described himself as a quiet and homey person, an avid reader, softball enthusiast and a loving father who adores his children. His family and friends described him favorably as a good father and

friend. They said he is a quiet, family oriented individual. They expressed their shock to the offence and subsequent outcome of the trial.

- [9.] His pastor and mentor, Mr. Tamico Brice noted that the Convict is a great candidate or rehabilitation as he is a young and mature man and that all hope is not lost for him.
- [10.] Mr. Roberto Goodman a lifelong neighbor expressed that Williamson is a humble and quiet person who does not get caught up in trouble. The virtual complainant expressed that she is still traumatized from the ordeal and stated that the offence remains vivid in her mind whenever she closed her eyes.
- [11.] The Convict maintained his innocence and apologized to the virtual complainant saying that it was not his intention for her to feel intimidated by him or in fear while he questioned her. Williamson has no previous antecedents.

DEFENSE SUBMISSIONS

- [12.] Mr. Mario Gray made submissions on behalf of the Convict. He submitted that the Probation Report outlined the type of person that Mr. Williamson is and has been considered to be. Counsel described the Convict as a quite individual with no previous convictions who generally stayed to himself and who is a family oriented individual. Mr. Gray drew to the Court's attention paragraph 2 of page 7 of the Probation Report where the Officer indicated that the Convict expressed apologies to the virtual complainant, saying that he would not wish that his mother, sisters or daughters to feel fearful in the manner that she did.
- [13.] Continuing his submissions Counsel said that the Court ought to consider both aggravating and mitigating factors. Mr. Gray further submitted that the maximum sentence for the offence as prescribed by Section 7 of the Sexual Offences Act is unreasonable given the circumstances.
- [14.] Mr. Gray then referred the Court to the authority of **Prince Clarke v Regina SCCrApp CAIS No 101 of 2010** a case involving a uniformed officer and sought to distinguish it from the facts in this present matter. Counsel submitted that the only similarity is the fact that the matters both involve a police officer. He further submitted that there are not many cases of a similar nature to this and referred the Court to a February 2025 edition of the Nassau Tribune and its report of the sentencing of one **Gregory Taylor**. Taylor as part of a plea agreement admitted to attempted procuration and "paid a \$15,000 fine to get out of a three-year prison term". Additionally Taylor was placed on two years' probation and was liable to a further term of three-year prison in the event of a breach.
- [15.] Counsel who accepted that Taylor pleaded guilty and avoided trial submitted that Taylor had clear intentions to have a sexual relationship through text messages with a 13- year old girl. Mr. Grey further submitted that this offence which the Convict

was convicted of would not fall at the higher end of the sentencing spectrum noting that Williamson spent almost four months on remand. Mr. Grey implored the Court to consider the possibility of imposing a sentence of time served and a fine.

- [16.] In concluding his submissions Counsel said that Williamson is not a menace to society and that he is open to rehabilitation.

PROSECUTION SUBMISSIONS

- [17.] Ms. Tamika Roberts made submissions on behalf of the Prosecution. She read into the record the provisions of **Section 7 (a) (v) of the Sexual Offences Act, Chapter 99.** Thereafter Counsel took the Court through the facts as accepted by the jury. She also referred the Court to **Section 84 of the Penal Code, Chapter 84** submitting that the law is clear when dealing with attempted offences.
- [18.] Ms. Roberts reminded the Court of the objects of sentencing and made reference to the Court of Appeal decision of **Prince Hepburn v Regina SCCrApp. No. 79 of 2013.** She submitted that while a particular sentence was imposed in one instance, the Court is not bound to agree with that. Continuing her submissions Ms. Roberts sought to distinguish the facts of this case from the matter of **Gregory Taylor** which Mr. Gray's relied upon emphasizing that while both Mr. Williamson and Mr. Taylor were both police officers that at on the night of the commission of the offence the Convict in this matter wore his badge #4207 which was attached to his blue uniform, he had the badge as well as a service weapon and he drove in a Ford Taurus patrol car, #265, licence plate #AR7823.
- [19.] Ms. Roberts who too relied on the authority of **Prince Clarke v Regina SCCrApp CAIS No. 101 of 2010,** continued that this matter concerns a grave abuse of authority. She then outlined the aggravating and mitigating factors of the Convict. The aggravating factors are a clear abuse of authority. The Convict used his Royal Bahamas Police Force uniform as a tool of intimidation. Another aggravating factors stated by Ms. Roberts was the predatory conduct of the Convict, he targeted a vulnerable woman in a secluded location after midnight. He was also dishonest regarding the existence of warrants in the virtual complainant's name.
- [20.] As a mitigating factor the Prosecutor acknowledged that the Convict does not have any prior convictions and that no sexual activity occurred. She submitted that a strong message needs to be sent to any and all members of the Royal Bahamas Police Force and therefore deterrence and denunciation are the most prevalent factors to be taken into consideration.
- [21.] In these circumstances, the Prosecution sought a sentence within the higher range, between 10- 15 years imprisonment submitting that this is proportionate and reflects the seriousness of the abuse of authority. Continuing Counsel submitted that Mr. Williamson was not a simple ordinary man. He was a man who was vested

with public trust and he abused that trust, authority and power. Counsel invited the Court to send a strong and clear message that anyone wearing the Royal Bahamas Police Force uniform, or any military police uniform, that it is a privilege, not a license for abuse, to maintain public trust and deter others.

PURPOSE OF SENTENCING

[22.] Sentencing is the most difficult aspect of the judicial function and must always be proportionate to the gravity of the offence and promote a sense of responsibility in the offender for the offence committed. I am bound by the dicta of the Court of Appeal decision of **Prince Hepburn v Regina SCCrApp. No. 79 of 2013** where the Court at paragraph 36 therein opined that:-

1. **“36. In exercising his sentencing function judicially the sentencing judge must individualize the crime to the particular perpetrator and the particular victim so that he can, in accordance with his legal mandate, identify and take into consideration the aggravating as well as the mitigating factors applicable to the particular perpetrator in the particular case. This includes but is not limited to considering the nature of the crime and the manner and circumstances in which it was carried out, the age of the convict, whether or not he pleaded guilty at the first opportunity, whether he had past convictions of a similar nature, and his conduct before and after the crime was committed. He must ensure that having regard to the objects of sentencing: retribution, deterrence, prevention and rehabilitation that the tariff is reasonable and the sentence is fair and proportionate to the crime. Each case is considered on its own facts.”**

[23.] The object of sentencing is to promote a respect for the law and order, maintain a peaceful and safe society and discourage crime by the imposition of sanctions. Sentencing should also be aimed at the rehabilitation of the offender so that he may reform his ways to become a contributing member of society. Such sanctions for breach of the law are provided by law for the means of sentencing.

DISCUSSION & ANALYSIS

[24.] The law provides that sentencing remains discretionary. The Caribbean Court of Justice in the case of **Burton v R, Nurse v R (2014) 84 WIR 84** is most instructive. That judgment ably and clearly addressed the interplay between the role of sentencing guidelines and the discretion of the sentencing judge which **“...is at the heart of the sentencing process.”** In part it reads:

- iv. **“[15] But this is much different from saying that the guidelines lack legal significance or may be disregarded without reason. The guidelines distil important aspects of sentencing principles. When pronounced by the Court of Appeal they constitute rules of practice. Lower courts must have regard to**

the guidelines. The sacrosanct nature of the discretion of the sentencing judge is preserved in two ways. Firstly, the guidelines indicate a range of sentences that may be appropriate for particular categories of offences and it is for the sentencing judge to decide where on the continuum of the tariff the specific sentence ought to be placed having regard to the peculiarities of the circumstances of the offence and the offender. Secondly, it is perfectly appropriate for the sentencing judge to not follow the guidelines in a particular case if he or she concludes that their application would not result in the appropriate sentence. Public confidence in the criminal justice system must be maintained by the imposition of suitable penalties taking into consideration the penological objectives of protection of the public, deterrence, and rehabilitation of the offender, and it is for the sentencing judge in his discretion to make the call as to the sentence that will come closest to achieving those objectives. However, if the sentencing judge decides to depart from the guidelines established by the superior court then he or she should explain his or her reasons for doing so."

- [25.] I have considered the evidence herein, the submissions of both Counsel and the relevant statute and case law. I have also considered the mitigating and aggravating factors in this case. I have had regard to the probation report. I have also considered the facts that are peculiar to this case. The Convict is a 29 year old Bahamian father of two who had no antecedents and the fact that on the facts there was no actual sexual encounter nor violence. The aggravating factors are that he was a member of the Royal Bahamas Police Force who was actively on duty at the time of the offence. The Convict used his Royal Bahamas Police Force uniform as a tool of intimidation. The offence was committed on a vulnerable woman in a secluded location after midnight. The Convict was also dishonest concerning the existence of warrants in the virtual complainant's name. This was a case of a clear abuse of authority!
- [26.] Although the Convict expressed his apologies to the virtual complainant and his remorse was genuine in my opinion the consequences of his actions will live with him forever given the nature of the offence as well as the gravity and local publicity surrounding the offence and his trial. I agree with the Prosecution that a clear message needs to be sent to members of the Royal Bahamas Police Force who may be minded to act in a similar manner.
- [27.] The dicta of is John J.A in the case of **Prince Clarke v Regina** is instructive and I consider it necessary to repeat and as such fully adopt a portion of it where at pages 5-6 where he opined:-
- v. **"Before leaving this matter, we wish to make an observation: 'To whom much is given, much is required'. When a person is given a certain authority, for example, a police officer, and he has the privilege of wearing the uniform of the Royal Bahamas Police Force, that is an honour, that is a privilege, but it is not a privilege to be abused. On this occasion this appellant abused his authority. In fact, he confused authority with power. He has authority and he**

was privileged to wear a uniform of the Royal Bahamas Police Force. Regrettably, he brought the police force into disgrace on that occasion, and I trust that whilst we continue to sit in these courts, we will not see a like occurrence."

[28.] As such I deem it necessary to impose a custodial sentence herein. In all of the circumstances I wish to send a clarion message that to whom much is given much is required and such behavior will never be tolerated. Accordingly I sentence the Convict to a term of four (4) years at The Bahamas Department of Corrections. This sentence shall take effect from the date of conviction 4th June, 2025, less time spent on remand. Thereafter the Convict shall be subject to probation for a further two (2) years. Should he reoffend within that period he shall serve a further term of one (1) year. I also order that the Convict be afforded the necessary counselling sessions during his imprisonment.

[29.] I advise the Convict of his right of appeal.

Dated this 4th day of November 2025

Justice Renae McKay

