

**COMMONWEALTH OF THE BAHAMAS**  
**IN THE SUPREME COURT**  
**(CRIMINAL DIVISION)**  
**Information No.240/7/2023**

**BETWEEN**

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**V**

**ANTONIO CARTWRIGHT**

**Before:**           **The Honourable Mr. Justice Franklyn K M Williams MB KC**

**Appearances:** Mrs. Janet Munnings with her Ms. Jacklyn Burrows for the  
Director of Public Prosecutions  
The convict pro se

**Hearing Date:** 23 February 2026

**JUDGEMENT ON SENTENCING**

**[ Criminal Law – Evidence – Possession of Unlicensed Firearm – Possession of Ammunition without certificate – projectile fired from firearm found at scene of firearm attack on police officers – firearm serial number erased - Aggravating factors outweighing mitigating factors – Principles in sentencing – Appropriate sentence]**

**Williams J**

[1.] On 9 February, 2026, the accused (hereinafter referred to as “the convict”) was found guilty of the possession of an unlicensed firearm and possession of ammunition without the required certificate.

## **The Facts**

[2.] The facts are helpfully distilled in the submissions of the Director of Public Prosecutions.

[3.] The convict was arrested on the same date 5<sup>th</sup> May 2022 that he was seen to have possessed the AR -15 Rifle and .223 ammunition. The serial number of the firearm was found to have been erased. Upon interview by officers of the Criminal Investigation Department, he denied both having possessed the AR -15 and the ammunition.

## **The trial**

[4.] The convict was identified by Constable Whitley Brown and Sergeant Danielle Wilson, both having previously identified him to apprehending officers on scene and again at Elizabeth Estates Police Station.

[5.] According to Inspector Herrington Curry, firearms examiner, ammunition identified as having been recovered from the immediate environs of a police vehicle, the occupant officers of which responded to report of a man possessing a rifle, were found to have been fired from the AR -15.

## **Probation report and plea in mitigation**

[6.] The convict expressly waived the investigation of and production of probation report. Counsel for the convict did not appear for the scheduled sentencing hearing. Counsel "sent" a document to the Court intituled "PLEA IN MITIGATION AND SUBMISSIONS OF THE OFFENDER/CONVICT", which purports to speak to the personal circumstances of the convict. What is contained therein are generalities, not referable to specific persons and circumstances.

[7.] The document refers to the convict being the father of two young children who depend on him for emotional and financial stability. The names and ages of these children are not given. At any rate, the convict gave evidence that he lived alone at #44 St. Lucia Crest.

[8.] The document refers to the convict's "...commitment to his church and community projects speaks to a man with a moral compass.". There is no evidence of such. No person has been referenced or produced who can speak to same. No pastor, priest or "church" is named.

[9.] The document speaks "...to the absence of visitation at the prison; something that remains in force post Covid – 19 pandemic." and not "being able to speak with and see family members...". No family members, parents, siblings are named.

[10.] The document speaks in vague generalities. Nothing purported in the document can be confirmed or shown to be true; perhaps deliberately so, perhaps the *raison d'être*. At any rate, the "sending" of the document is wholly inappropriate, and the document itself inadequate to assist the Court in the conduct of the sentencing exercise.

### **Submissions of the convict**

[11.] The sole mitigating factor is the fact that the convict has no previous convictions.

### **Submissions of the Director of Public Prosecutions**

[12.] Learned Counsel of the Director of Public Prosecutions provided a number of authorities, all from this jurisdiction, which reflect terms of imprisonment ranged from three to thirteen years.

### **The law**

[13.] Section 9(2)(a)(i) of the Firearms Act, Chapter 213:

"Subject to the provisions of sections 12, 43 and 44 of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition to which this Part of this Act applies unless he holds a firearm certificate in force at the time.

(2) If any person –

(a) Purchases, acquires or has in his possession any firearm or ammunition to which this Part of this Act applies, without holding a firearm certificate in force at the time, or otherwise than as authorized by such certificate, or in the case of ammunition in quantities in excess of those so authorized;

he shall, subject to the provisions of sections 12, 43 and 44 of this Act, for each offence be liable –

- (i) On conviction on information, to imprisonment for a term being in the range of ten years to fifteen years;

[14.] Here I remind myself of the four classical principles of sentencing:

- (i) Retribution – punishment is intended to reflect society’s and the legislature’s abhorrence of the offence and the offender;
- (ii) Deterrence – to deter potential offenders and the offender himself from recidivism;
- (iii) Prevention – preventing the offender through imprisonment from offending against the law;
- (iv) Rehabilitation – assisting the offender to reform in order to re enter society as a contributing member.

[15.] Which of these factors predominate depends on the particular circumstances of the case.

[16.] In *Prince Hepburn v Regina* [SCCrApp No.79 of 2013] Adderley JA stated:

“ 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.”

### **Aggravating Factors**

[17.] The weapon found to have been possessed by the convict is an AR – 15 Assault Rifle, the magazine of which has a capacity of 17 rounds; the magazine here held 20 rounds, one in the chamber. The convict held the weapon for no lawful purpose.

[18.] The erasure of the serial number. Erasure impedes law enforcement’s ability to trace firearms used in criminal activities, posing a significant risk to public safety. By altering or erasing the serial number, the system of traceability is disrupted, raising suspicions that the weapon was stolen, the subject of unregistered sale and or used for the purpose of engaging in illicit activities. Whether erased by the convict, or received in that condition, the knowledge of the erasure is imputed to the convict.

[19.] The acts of the convict in fleeing police officers, attempting to dispose of the weapon, attempting to evade apprehension all reflect knowledge of that which he possessed, that it was unlawfully possessed and the implications of having a weapon with erased serial number.

[20.] The convict is a mature male, no doubt aware of the prevalence of gun crime.

### **Appropriate sentence and disposition**

[21.] Here, I have not the slightest hesitation in the application of the principles of retribution, deterrence and prevention in the determination of the appropriate sentence. The dicta of Allen, P in *Galen Forbes v The Commissioner of Police* MCCrApp & CAIS No. 10 of 2013 are apropos:

“..., having regard to the prevalence of guns, the increasing and alarming incidences of murder, manslaughter and assault with such weapons in the Bahamas today, we think deterrence should be the objective of this court in this case.

We feel it is essential that we send a strong message to the appellant and to others who would offend that possession of firearms is a serious offence and will not be tolerated.”

[22.] Having heard the submissions of the applicant Director of Public Prosecutions and of the respondent convict, and considering the particular circumstances of this case, and considering the principles of sentencing and authorities, a term of imprisonment of fifteen years is appropriate. No doubt, the length of sentence will lend itself to the convict’s rehabilitation. The convict is so sentenced. Time spent on remand is taken into consideration.

A handwritten signature in blue ink, appearing to read "J.M. Williams".

Williams J.

25 February 2026