

COMMONWEALTH OF THE BAHAMAS

2024

IN THE SUPREME COURT

CRI/ VBI 261/10/2024

Criminal Division

Between

THE DIRECTOR OF PUBLIC PROSECUTIONS

vs.

DANE DERRICK REYNOLDS

Before: The Honourable Justice Darron D. Ellis

Appearances: Timothy Bailey with Tylah Murray for the Prosecution;

Kelsey Munroe for the Convict

Hearing dates: 26th 27th , 28th , 29th and 30th January 2026, 5th and 11th February 2026 and 29th May 2026

DECISION ON SENTENCING

ELLIS, J

Introduction

[1.] Dane Derek Reynolds (hereinafter referred to as the Convict) appears before this Court for sentencing following his conviction on 11th February 2026 by majority verdict of 8 to 1 on 12 counts of Unlawful Sexual Intercourse with a Dependent, contrary to section 14(1)(a) of the Sexual Offences Act, Chapter 99.

[2.] A probation report was requested on behalf of the Convict and the matter was thereafter adjourned pending receipt of the same. The Convict was remanded into custody at the Bahamas Department of Correctional Services.

- [3.] On 29th May 2026, after receipt of the probation report, the Court heard sentencing arguments from the Crown and Counsel for the Convict.

Factual Background

- [4.] The Complainant was born on 10 July 2009. At the material time, she was 14 years old, and the Convict was an adult and her stepfather. The offending occurred between February and August 2024 and comprised repeated acts of unlawful sexual intercourse.
- [5.] The Crown's case, accepted by the jury's verdicts on the 12 counts, was that the convict had sexual intercourse with the Complainant on 12 occasions at their residence at #13 Jubilee Gardens: twice in February 2024, twice in March 2024, twice in April 2024, twice in May 2024, once in June 2024, once in July 2024, and twice in August 2024.
- [6.] After the last sexual intercourse in August, the Complainant advised her mother of what was happening, and the matter was reported to the Police. The Convict was arrested, questioned and charged.

Issues

- [7.] Based on the jury's verdict of guilt on the offences charged against the Convict, what is an appropriate sentence, having regard to all the circumstances of the offence and the offender?

Law

- [8.] Section 14 (1) (a) of the Sexual Offences Act, Chapter 99, reads:

14. (1) Any adult who — (a) has unlawful sexual intercourse with his dependent child, whether with or without the consent of the child; or (b) attempts to have unlawful sexual intercourse with his dependent child, whether with or without the consent of the child, is guilty of an offence and liable to imprisonment for life. (2) In this section — “dependent child” means a minor who is not related by blood to the alleged offender but — (a) is his adopted child, step-child, foster child or ward; (b) has been treated by him as a child of his family; (c) is being maintained, either wholly or partly, by him; (d) is in his actual custody; charge or control; or (e) in relation to which minor he holds a position of trust.

[9.] Additionally, **Section 185 of the Criminal Procedure Code, Chapter 91** 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

[10.] I have considered the probation report prepared by Ms Tabitha Hanna, Probation Officer, dated 9 April 2026. The report was prepared based on information obtained from several persons, and additional information was obtained from the Records Department at the Bahamas Department of Correctional Services and the Criminal Records Office of the Royal Bahamas Police Force.

[11.] The report discloses that the Convict is a 38-year-old Jamaican national who has resided in The Bahamas since 2019. He is a self-employed barber and the father of three children. He has no prior criminal convictions, as confirmed by the Criminal Records Office of the Royal Bahamas Police Force. Since being remanded into custody in February 2026, he has reportedly committed no disciplinary infractions whilst at the Bahamas Department of Correctional Services.

[12.] The Convict was raised primarily by his mother in a single-parent household in Jamaica. Financial hardship resulted in him discontinuing his education after the tenth grade. Thereafter, he secured employment, learned the barbering trade, and eventually established himself as a self-employed barber after relocating to The Bahamas. The report indicates that before his incarceration, he earned approximately \$1,500 per week and supported his family financially.

[13.] The report further reveals that the Convict was previously married and is now divorced. He has maintained a relationship with his current partner, with whom he shares one child. According to the information gathered, he has remained financially and emotionally supportive of his children. He described himself as industrious, helpful, law-abiding, and family-oriented, expressing aspirations to expand his business and continue providing for his family.

[14.] The Probation Officer interviewed several individuals familiar with the Convict, including members of his family, his current partner, friends, customers, neighbours and the Complainant's mother.

[15.] The Convict's mother described him as an affectionate and respectful son who had not exhibited behavioural problems growing up and maintained her belief in his innocence.

His current partner characterised him as a caring father, hardworking provider and helpful individual who had treated her children as his own.

[16.] Friends, customers and neighbours consistently described him as industrious, peaceful, respectful, community-minded and a law-abiding individual. Several expressed surprise upon learning of the allegations and indicated that they had never observed any conduct of the nature alleged.

[17.] The report also records information from the Complainant's mother, who explained that the Complainant initially experienced emotional and academic difficulties following the disclosure of the offences but had shown improvement after receiving counselling and support. She indicated that her faith and family support had assisted both herself and the Complainant throughout the proceedings.

[18.] The Convict maintained his innocence throughout the report's preparation and expressed the view that he had been wrongly convicted. The Probation Officer observed that, notwithstanding the conviction, the Convict had not expressed remorse for the offences.

[19.] The report also records the Complainant's account. She stated that the sexual molestation began when she was in primary school. She further stated that she did not feel unsafe around the convict until he threatened to kill her and her mother, following which she informed her mother of the molestation. I bear in mind, however, that the convict was acquitted of the two counts of threats of death, and I do not sentence him for those offences. I consider this material only insofar as it forms part of the background recorded in the probation report.

[20.] The Complainant also reported that she received counselling following the offences and that she draws strength from her family's love and support. Her mother stated that she was hurt and that she wished only to protect her daughter. She reported that her daughter's grades initially dropped, but later improved, and that her daughter received counselling through their church and her school's guidance department. The Complainant's mother further stated that her faith in God sustained her and her daughter through the ordeal.

[21.] In her overall assessment, the Probation Officer noted that the Convict had been positively described by virtually all persons interviewed as a hardworking, supportive father, committed to his trade and generally regarded as a law-abiding member of the community. At the same time, the report observed that the present offences involved a grave breach of trust against a child entrusted to his care and that the Convict continued to maintain his innocence without expressing remorse. The report concluded by respectfully recommending that the Court take all of the foregoing matters into account when determining the appropriate sentence.

Submissions

Prosecution Submissions

[22.] Counsel for the Crown submitted that in determining the appropriate sentence, the Court should be guided by the established principles and objectives of sentencing. Reliance was placed on **Prince Hepburn v R** SCCr App. No. 79 of 2013, where the Court emphasised that sentencing is an individualised exercise requiring consideration of the nature and circumstances of the offence, the characteristics of the offender, and all relevant aggravating and mitigating factors, while ensuring that the sentence is fair, proportionate and advances the objectives of retribution, deterrence, prevention and rehabilitation. Counsel also relied on **Benjamin v R** (1964) 7 WIR 459, submitting that the weight to be accorded to each sentencing objective depends upon the particular facts and circumstances of the case.

[23.] The Crown submitted that the predominant sentencing objective in the present case should be deterrence, given the seriousness of the offences, the abuse of a position of parental trust, and the need to protect vulnerable children from sexual exploitation. Counsel relied upon the well-established principles of sentencing articulated in **Prince Hepburn v Regina and Regina v Musgrove** SCCRr APP No. 79 of 2013.

[24.] The Crown reminded the Court that **Section 14 of the Sexual Offences Act** prescribes a maximum sentence of life imprisonment for unlawful sexual intercourse with a dependent child. It was submitted that the statutory maximum reflects Parliament's recognition of the exceptional gravity of offences committed by adults who sexually exploit children entrusted to their care.

[25.] The Crown relied upon the seriousness of the offences, the Complainant's age, the disparity in age between the Convict and the Complainant, the breach of trust arising from the stepfather-stepdaughter relationship, the number of occasions on which the offences were committed, the impact upon the Complainant and her family, and the Convict's continued denial of responsibility as aggravating factors.

[26.] The Crown accepted that the Convict has no previous convictions or pending matters. However, the Crown submitted that the aggravating factors substantially outweigh that mitigating feature and invited the Court to impose a custodial sentence of 25 years on each count, less time spent on remand.

[27.] Counsel for the Crown relied principally upon **BM v Director of Public Prosecutions** SCCrAPP & CAIS No. 39 of 2023, where the Court of Appeal affirmed concurrent sentences of twenty-five years' imprisonment imposed upon an offender convicted of incest involving his minor daughter. The prosecution submitted that the Court

recognised incest involving minors as one of the most serious categories of sexual offending and affirmed the substantial custodial sentence imposed by the trial judge.

[28.] The Crown also relied upon **Gordon v Regina** SCCrAPP & CAIS No. 74 of 2014, in which the Court of Appeal upheld a sentence of twenty-five years' imprisonment imposed upon a father convicted of incest against his fifteen-year-old daughter. Counsel submitted that the Court held that, notwithstanding the absence of previous convictions, the aggravating features, particularly the abuse of parental trust and the violation of a child entitled to protection, fully justified the sentence imposed.

[29.] Further reliance was placed upon **Albert Alexander Whyley v Regina** SCCrAPP & CAIS No. 184 of 2012. Although the Court of Appeal substituted a determinate sentence of thirty years' imprisonment in place of life imprisonment, counsel submitted that the decision underscored the Court's firm approach towards serious sexual offences against children and its emphasis on protecting the children of The Bahamas through the imposition of deterrent sentences.

[30.] The Crown also referred to **Navardo Johnson v Regina** SCCrAPP & CAIS No. 38 of 2015, wherein the Court of Appeal affirmed a sentence of twenty years' imprisonment for unlawful sexual intercourse. Counsel submitted that the Court approved the sentencing judge's reliance upon aggravating features including the breach of trust, the disparity in age between the offender and the complainant, the offender's refusal to accept responsibility, and his lack of remorse. It was submitted that those same aggravating considerations arose in the present case.

[31.] Counsel further relied upon **Jason Lynes v Director of Public Prosecutions** 2023/ CRI/VBI/99/3, where the offender received a sentence of fifteen years' imprisonment following a guilty plea to incest involving his eleven-year-old niece. While acknowledging factual similarities, the prosecution submitted that the present matter was considerably more serious, having regard to the prolonged course of offending, the repeated acts of sexual intercourse, the abuse of a parental relationship, the Convict's continued denial of responsibility, and the absence of any plea of guilty.

[32.] Finally, the Crown referred to **Director of Public Prosecutions v Othello Green** VBI No. 41/2/2021, in which a sentence of twenty-seven years' imprisonment was imposed for incest committed against the offender's daughter. Counsel submitted that the decision further demonstrated the severe approach adopted by the courts where offenders exploit positions of parental authority to commit sexual offences against children.

[33.] Drawing these authorities together, the prosecution submitted that the courts have consistently recognised that offences involving the sexual abuse of children by parents or parental figures constitute among the gravest forms of criminal offending because they involve not only repeated sexual violation of a vulnerable child but also a profound abuse of trust and authority.

[34.] It was submitted that the present case disclosed numerous aggravating features, including the repeated nature of the offending, the age and vulnerability of the Complainant, the Convict's position as her stepfather and father figure, the abuse of that position of trust, the psychological harm caused to the Complainant and her family, the Convict's continued refusal to accept responsibility, and the need to deter similar offending.

[35.] Accordingly, the Crown submitted that, having balanced the aggravating and mitigating factors and having regard to the applicable authorities, the appropriate sentence was one of twenty-five years' imprisonment on each of the twelve counts, with credit for the period spent on remand.

The Defence's Submissions

[36.] Counsel for the Convict submitted that, in determining the appropriate sentence, the Court must consider both the Convict and the Complainant, together with the relevant aggravating and mitigating factors. Counsel further acknowledged that the recognised principles of sentencing are retribution, deterrence, prevention and rehabilitation.

[37.] Counsel submitted that the Convict has maintained his innocence from the inception of the proceedings and continues to maintain that position notwithstanding the verdict of the jury. It was contended that, in those circumstances, there was little that could be advanced in relation to the principles of retribution, deterrence, prevention or rehabilitation.

[38.] Counsel accepted that the age of the Complainant, the Convict's position as her stepfather and his position of trust constituted aggravating features of the case. However, counsel submitted that the Court should also have regard to the mitigating circumstances.

[39.] In mitigation, counsel relied upon the fact that the Convict has no previous convictions. Counsel submitted that although the offence carries a maximum sentence of life imprisonment, the imposition of a life sentence is neither mandatory nor automatic.

[40.] Counsel further submitted that, while the Crown had relied upon several authorities, some of those cases involved materially different factual circumstances, including offenders with previous convictions.

[41.] Counsel for the Convict submitted that the Court must consider both the offender and the victim, together with the aggravating and mitigating factors. Defence counsel emphasised that the Convict has maintained his innocence throughout, that he has no antecedents, and that although the offence is punishable by life imprisonment, such a sentence is neither mandatory nor inevitable.

[42.] Defence counsel submitted that, in all the circumstances, a sentence in the range of ten to fifteen years' imprisonment, to run concurrently, would be appropriate. When asked by the Court whether there were authorities supporting that range, counsel indicated there were none.

Discussion and Analysis

[43.] The Court agrees with Counsel for the Crown that in arriving at an appropriate sentence, consideration must be given to the general principles of sentencing. The Court is guided by the case of **Prince Hepburn v Regina SCCr App No. 79 of 2013**, where *Adderley J* described the sentencing function and the factors to be considered in arriving at an appropriate sentence at paragraph 36 of the judgment:

“In exercising his sentencing function judicially, the sentencing judge must individualise 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.”

[44.] The Court also notes *Wooding CJ* in the Trinidadian Court of Appeal case of **Benjamin v R** (1964) 7 WIR 459, where he accepted as a correct statement in the Modern Law Review of September 1964, that there are really five objects which comprise the aims of punishment; these are :

a) RETRIBUTION: This is in recognition that the punishment is intended to reflect the denouncement by society and legislature of the offence and the offender.

b) DETERRENCE: vis-à-vis potential offenders. The offender must be punished appropriately to deter other like-minded offenders from engaging in that form of behaviour.

c) DETERRENCE: vis-à-vis the particular offender. Here, the purpose is to seek to ensure that the offender himself is deterred from future criminal conduct by the punishment inflicted on him.

d) PREVENTION: This is aimed at preventing the particular offender from offending against the law by incarcerating him.

e) REHABILITATION: The aim is to rehabilitate the offender so that he may reform his ways to become a contributing member of society.

[45.] I have carefully considered the authorities relied upon by the Crown, together with the submissions advanced on behalf of the Convict. I accept the defence submission, as a matter of settled sentencing principle, that the Court must not approach sentencing on the basis that the statutory maximum should ordinarily be imposed. Rather, the Court is required to individualise the sentence by having due regard to the particular circumstances of both the offences and the offender.

[46.] The task before the Court is therefore to determine the appropriate determinate sentence that properly reflects the seriousness and overall criminality of the offending.

[47.] In undertaking that exercise, the Court has considered the applicable statutory framework, the probation report, the submissions of counsel, the relevant aggravating and mitigating factors, and the authorities to which it has been referred.

[48.] The Court has also borne firmly in mind the overriding requirement that the sentence imposed must be just, proportionate and commensurate with the gravity of the offences, while giving effect to the recognised objectives of criminal sentencing.

AGGRAVATING AND MITIGATING FACTORS

[49.] The Court finds that the following aggravating factors are present:

- The offending was committed against a child who was only 14 years old at the time.

- The Convict was an adult and significantly older than the Complainant.
- The offending was repeated and occurred on 12 separate occasions over a period of months.
- The Convict was the Complainant's stepfather and occupied a position of parental authority and trust.
- The offending represented a profound breach of trust and an abuse of the Complainant's dependency.
- The offending caused emotional harm to the Complainant and distress to the family, as reflected in the probation report.

[50.] The Court finds that the following mitigating factors are present:

- The Convict has no previous convictions and no pending matters.

[51.] The absence of previous convictions is an important mitigating feature. However, in this case, it is outweighed by the seriousness of the offending, the repeated nature of the conduct, the Complainant's age, and the grave breach of familial and parental trust.

[52.] The Crown referred to decisions in which significant custodial terms were imposed or upheld for serious sexual offending against children, including **BM v Director of Public Prosecutions**, **Gordon v Regina**, **Albert Alexander Whyley v Regina**, **Nevado Johnson v Regina**, **Jason Lynes v Director of Public Prosecutions**, and **Director of Public Prosecutions v Othello Green**.

[53.] Those authorities demonstrate the seriousness with which the Courts treat sexual offending against children, particularly where the offender occupies a position of trust or authority. They also demonstrate that, although life imprisonment may be available, the Court must still determine the appropriate sentence by reference to the particular facts of the case.

[54.] The authorities cited by the Crown demonstrate that substantial custodial sentences are appropriate where an adult sexually violates a child, particularly where the offender is a parent or stands in a parental position. In **BM v Director of Public Prosecutions**, the Court of Appeal affirmed concurrent sentences of 25 years' imprisonment for incest involving a minor. In **Gordon v Regina**, a sentence of 25 years' imprisonment was upheld where the offending involved a serious breach of parental trust against a 15-year-old child. In **Whyley v Regina**, the Court of Appeal substituted a determinate sentence of 30 years' imprisonment, emphasising the need to protect the children of The Bahamas from those

who prey upon them. In **Navardo Johnson v Regina**, the Court of Appeal affirmed a sentence of 20 years' imprisonment, with the sentencing judge having regard to breach of trust, disparity in age, refusal to accept responsibility, and lack of remorse. The authorities therefore confirm that deterrent and substantial custodial sentences are warranted in cases of grave sexual offending against children.

[55.] I have also considered **Jason Lynes v Director of Public Prosecutions**, where a sentence of 15 years' imprisonment was imposed following a guilty plea to incest involving an 11-year-old niece. That case is of assistance, but the present matter is more serious in material respects. Here, the convict was convicted after trial of 12 separate counts. The offending was repeated over a period of months. The Complainant was his stepdaughter, regarded him as a father figure, and was entitled to care and protection from him.

[56.] I have considered the defence submission that the convict has no previous convictions and that a life sentence is neither mandatory nor automatic. I accept both propositions. The absence of previous convictions is a mitigating factor, and I have given it appropriate weight. However, it is substantially outweighed by the aggravating features of this case: the age and vulnerability of the Complainant, the repeated nature of the offending, the number of counts, the abuse of a position of trust and parental authority, the emotional harm caused.

Conclusion

[57.] In all the circumstances, I am satisfied that the predominant sentencing objectives in this case are deterrence, retribution, and the protection of vulnerable children. Rehabilitation remains a relevant consideration, but it cannot predominate having regard to the nature, gravity, and repetition of the offending.

[58.] The sentence must mark the Court's denunciation of this serious breach of trust. The Complainant was a child in the Convict's household. She was entitled to safety, protection, and care. Instead, the Convict exploited his position as her stepfather and father figure and repeatedly violated her over a period of months. The Court must make plain that such offending attracts severe punishment. In making its consideration, the Court is reminded of the words of the former President of the Court of Appeal in **Albert Alexander Whyley v Regina** SCCrApp & CAIS No. 184 of 2012, where she stated at line 20:

"We believe that we owe it to the children of The Bahamas to protect them from people who [prey] on them and have sexual intercourse with them at the age of nine years. They deserve our protection, and we believe the sentence of 30 years is appropriate".

[59.] I am satisfied that the sentence proposed by the Crown is appropriate and proportionate. A lesser sentence in the range urged by the defence would not adequately

reflect the seriousness of the offending, the repeated violation of the Complainant, the abuse of trust, or the need for deterrence.

[60.] Accordingly, on each of the 12 counts of Unlawful Sexual Intercourse with a Dependent, contrary to **Section 14(1)(a) of the Sexual Offences Act, Chapter 99**, the convict **Dane Derrick Reynolds** is sentenced to **25 years' imprisonment** at the Bahamas Department of Correctional Services

[61.] The sentences on all 12 counts shall run **concurrently** and take effect from the date of conviction, less time spent on remand.

[62.] The Convict may appeal the sentences of this Court to the Court of Appeal within the statutory time.

Dated this 6th day of August, A.D., 2026

The Honourable Mr Justice Barron D. Ellis