

Jermaine Williams v The Attorney General of the Commonwealth
of The Bahamas, et al - 2025/CLE/gen/00745

1 (Before: Hon. Mr. Justice Leif Farquharson,
2 KC)

3 (This transcript was derived from an
4 audio/video recording:)

5 THE COURT: This action was commenced by
6 standard claim form filed on 18 August 2025, with
7 statement of claim included. The statement of claim
8 itself is not a model of clarity and, in many respects,
9 is wholly lacking in detail.

10 At paragraph 2, the Claimant alleges that his
11 constitutional rights pursuant to Article 17 of the
12 Constitution were violated. In this regard, he alleges
13 that on 9 June 2024, he was "subjected to inhumane and
14 degrading treatment and torture in the Nassau Street
15 Police Station," and that he was "subjected to threats
16 of death, thus amounting to assault and battery." No
17 further details are provided.

18 At paragraph 3, he alleges that his
19 constitutional rights pursuant to Article 19(1)(d) and
20 19(2) and 19(4) of the Constitution were violated. In
21 this regard, he alleges that he was subjected to an
22 unlawful arrest based on an unauthorized search warrant,
23 contrary to section 70 of the Criminal Procedure Code,
24 and that he was subjected to false imprisonment after
25 being illegally put in handcuffs before an official
26 arrest, contrary to section 11 of the Criminal Procedure
27 Code.

28 At paragraph 4 of his statement of claim, he
29 alleges that his rights pursuant to Article 21 of the
30 Constitution were violated. In this regard - Mr.
31 Williams, are you able to -- I'm hearing some background
32 noise. Are you able to -- okay. Anyway, fair enough.

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1 I'll continue.

2 In this regard, he alleges that he was
3 "subjected to an unfair hearing in the Magistrate Court,
4 Number 4, the magistrate admitted an illegal search
5 warrant into evidence despite the plaintiff's
6 objections, and that he was also arraigned on a false
7 charge sheet." In the same paragraph, he alleges that he
8 was "subjected to malicious prosecution in the
9 magistrate court based on an unlawful reasonable and
10 probable cause and false information contained in the
11 mentioned search warrant."

12 At paragraph 5, the Claimant alleges that his
13 constitutional rights pursuant to Article 21 of the
14 Constitution were violated. In this regard, he alleges
15 that he was, "subjected to his home being unlawfully
16 entered and searched based on an unlawful search
17 warrant," and that he was, "subjected to unlawful
18 property damage, therefore amounting to assault and
19 battery."

20 In paragraph 6, he alleges that his rights
21 pursuant to Article 25 of the Constitution were violated
22 as a result of being, "in unlawful custody under an
23 unlawful search warrant."

24 In his particulars of loss, the Claimant
25 asserts that he has suffered loss of employment and
26 salary, been evicted from his apartment, and reduced to
27 substandard living conditions.

28 By way of relief, he seeks damages in the
29 amount of \$500,000. He also includes in his statement
30 of claim prayers for various forms of damages, including
31 unspecified special damages, exemplary damages, punitive
32 damages, aggravated damages, damages for various torts,

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1 and damages for the breach of his constitutional rights.

2 The Defendants deny all liability to the
3 Claimant. By their defense filed on 12 September 2025,
4 they reserve the right to seek a stay of the action or
5 to seek the striking out of the Claimant's Statement of
6 Claim, either in whole or in part.

7 On the matters of substance, they assert,
8 among other things:

9 One, the Claimant's arrest and detention and
10 custody were lawful and based upon reasonable cause;

11 Two, following his arrest, the claimant was
12 charged with the offenses of deceit of a police officer
13 and possession of dangerous drugs;

14 Three, at no time while in custody at Nassau
15 Street Police Station was the Claimant threatened,
16 assaulted, beaten, or tortured, and he is put to strict
17 proof of such allegations;

18 Four, the search of the Claimant's residence
19 was carried out pursuant to a valid search warrant;

20 Five, the claimant's criminal case on the said
21 charges of deceit of a police officer and possession of
22 dangerous drugs is currently underway before the
23 magistrates court;

24 Six, in all the circumstances, they deny the
25 allegation of breach of the Claimant's rights under
26 Article 25 of the Constitution. They further deny the
27 allegation that the referenced search warrant was
28 unlawfully entered into evidence in the proceedings
29 before the magistrate court, or that the Claimant was
30 arraignment on a false charge sheet.

31 By Notice of Application filed on 17 April
32 2026, the Defendants moved the court, seeking an order

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1 pursuant to CPR Rule 26.3 or the Court's inherent
2 jurisdiction, striking out the Claimant's claim on the
3 grounds that it is frivolous, vexatious, scandalous, an
4 abusive of process, or is likely to obstruct the just
5 disposal of the proceedings.

6 They also seek an order striking out a
7 certificate of urgency filed by the Claimant, by which
8 he was previously seeking to have the substantive trial
9 heard as a matter of urgency. That certificate of
10 urgency was, in my view, completely misconceived and has
11 been overtaken by events.

12 Finally, the Defendants seek such further or
13 other relief as the court may deem just, and of course,
14 cost.

15 The Defendants strikeout application is
16 supported by two affidavits sworn to by Mr. Perry
17 McHardy, a counsel and attorney in the Office of the
18 Attorney General, filed on 17 April 2026 and 22 April
19 2026, respectively. In his first affidavit, Mr. McHardy
20 discusses the criminal charges brought against the
21 claimant, exhibiting a copy of the charge sheet. He
22 also refers to the current status of those criminal
23 proceedings, noting at paragraph 8, "the Claimant's
24 criminal case is still pending before senior magistrate
25 Shaka Seville, where the Claimant pled not guilty."

26 At paragraph 12, "at the trial, the
27 prosecution called its witnesses, and several pieces of
28 evidence was marked and entered into evidence as
29 exhibits."

30 At paragraph 16, the Claimant appeared in
31 court on 19 January 2026 for the prosecution's response
32 on his no case submission.

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1 And at paragraph 17, that the case was further
2 adjourned to May of this year for the court's decision
3 on the claimant's no case submission.

4 Mr. McHardy also refers to what he describes
5 as a separate application for constitutional redress,
6 the Claimant filed before Hilton J, as he then was, and
7 indicates that the Claimant has three applications
8 before the court simultaneously.

9 Mr. McHardy rounds off his affidavit by
10 stating at paragraph 19 that, "this constitutes an abuse
11 of the court's processes as the claimant already has an
12 alternative remedy open to him in law. The claimant
13 should have allowed the criminal case to first conclude
14 before launching into separate applications."

15 In his second affidavit, Mr. McHardy simply
16 exhibits the Claimant's other application for
17 constitutional redress, which he indicates was
18 originally before Hilton J. Although Mr. McHardy
19 describes it as a, "motion," in terms of its
20 formatting, it is drafted more in the nature of a
21 letter, and it does not appear that it was filed in any
22 division of this court. Therein, the Claimant purports
23 to seek redress for the breach of his rights under
24 Articles 19 and 20 of the Constitution by reason of
25 events that allegedly transpired during the course of
26 his criminal case before the magistrate court, including
27 the admission of evidence which he contends was
28 inadmissible.

29 By way of riposte, the Claimant filed a Notice
30 of Application as amended on 14 May 2026 seeking an
31 order pursuant to CPR 26.3(1)(a) and the inherent
32 jurisdiction of the court striking out the defendant's

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1 defense. No grounds for striking out are indicated in
2 the Notice of Application; however, in his affidavit in
3 support of the application filed on 12 May 2026, and in
4 his submissions made before this court, the Claimant
5 confirmed that the basis of his application to strikeout
6 arose from the defendant's failure to serve him with
7 copies of their Notice of Application to Strikeout and
8 supporting documents by 6 May 2026 as directed by the
9 court in my directions order of 4 May 2026.

10 I would note parenthetically that the Claimant
11 has not asserted that he was not served with the
12 defendant's striking out application documents at all.
13 And indeed, he could not assert this, having responded
14 to that application by affidavit evidence of his own,
15 and by way of written submissions. As such, his
16 objection is purely based on the Defendant's strikeout
17 application documents not having been served by the date
18 stipulated in my directions order.

19 The Claimant filed a responsive affidavit to
20 the strikeout application on 26 June 2026. Therein,
21 among other things, one, the Claimant admitted to being
22 charged with the offenses of possession of dangerous
23 drugs and deceit of a police officer;

24 Two, he admitted that the criminal case
25 arising from those charges is still pending before
26 Senior Magistrate Seville, and that he pled not guilty;

27 Three, he admitted that the prosecution called
28 its witnesses in the criminal case and entered several
29 items into evidence;

30 Four, he admitted that he informed the
31 magistrate of his intentions to make a constitutional
32 motion during the criminal trial, indicating that the

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1 magistrate informed him that he would have to seek such
2 redress from The Supreme Court;

3 Five, he admitted to appearing in court on 19
4 January 2026 for the prosecution's response to his no
5 case submission;

6 Six, he discusses the progress of the case
7 before the magistrate, providing excuses for his
8 nonappearance at an earlier stage of those proceedings;

9 Seven, he states that the learned magistrate,
10 "further adjourned" his decision on the no case
11 submission until July of this year, which he feels, "is
12 a deliberate further violation" of his right to a fair
13 hearing within a reasonable time.

14 In the run up to the hearing before me. On 31
15 July 2026, the Claimant filed a further Notice of
16 Application. This was for an order pursuant to CPR
17 30.3, sub-rule (3) and the court's inherent jurisdiction
18 striking out the first and second affidavits of Mr.
19 McHardy. No actual grounds were stated in the Notice of
20 Application, however, in his affidavit in support of the
21 application, which was also filed on 31 July 2026, the
22 Claimant indicated that the certificate page in
23 Mr. McHardy's second affidavit was defective and
24 noncompliant with CPR 30.5(1)(c) and CPR 30.2 (d) and
25 (v).

26 The gist of his complaint is that the full
27 name of the designated clerk before whom the affidavit
28 was sworn is not stated in the jurat, and the
29 certificate page is not dated. He goes on to suggest at
30 paragraph 9 of his affidavit that on the basis of his
31 technical objections, Mr. McHardy's two affidavits do
32 not, "disclose reasonable or legal grounds and legal

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1 formatting," and are frivolous, vexatious scandalous and
2 abusive of the court's process.

3 I would merely observe that there is no
4 suggestion by the Claimant that he did not receive
5 Mr. McHardy's two affidavits in support of the
6 defendant's strikeout application or was not afforded an
7 opportunity to respond to the same. And in point of
8 fact, he has actually responded in detail to
9 Mr. McHardy's main affidavit by affidavit evidence of
10 his own. Once again, the objections raised, therefore,
11 appear to be purely technical.

12 Having received the Claimant's application to
13 strike out Mr. McHardy's affidavits, the Defendants
14 filed a short third affidavit by Mr. McHardy disputing
15 the Claimant's assertion that his earlier affidavits
16 were noncompliant with the CPR and defective. Without
17 conceding that there was any noncompliance, learned
18 counsel for the Defendants also gave an undertaking to
19 re-file the first affidavit of Mr. McHardy with a proper
20 certificate Page annexed.

21 I will address the Defendant's Strikeout
22 Application first. CPR rule 26.3 empowers the court to
23 strike out a statement of case or part of a statement of
24 case if it appears to the court that, "(a) there has
25 been a failure to comply with a rule, practice,
26 direction, order, or direction given by the court in the
27 proceedings; (b) the statement of case or the part to be
28 struck out does not disclose any reasonable ground for
29 bringing or defending the claim; (c) the statement of
30 case or the part to be struck out as frivolous,
31 vexatious, scandalous, an abuse of the process of the
32 court or is likely to obstruct the just disposal of the

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1 proceedings; or (d) the statement of case or the part to
2 be struck out is prolix or does not comply with the
3 requirements of Part 8 or 10.

4 The general principles of law governing
5 applications to strike out are well settled and have
6 been restated by our courts on numerous occasions. A

7 number of them are conveniently summarized at pages 213
8 to 217 of the 2024 Supreme Court Civil Procedure Rules
9 2022 Practice Guide, and the cases referred to therein.
10 These include, first and foremost, that the jurisdiction
11 to strike out ought to be sparingly exercised and is
12 only intended for plain and obvious cases. It is,
13 therefore, insufficient that the claim merely appears
14 weak or unlikely to succeed.

15 Secondly, the power to strike out is
16 discretionary and may be exercised by the court on an
17 application by a party or on its own initiative.

18 Thirdly, if an application to strikeout is
19 complex and requires extended argument, striking out may
20 be inappropriate.

21 Fourthly, it should not generally be used as a
22 vehicle for resolving contested evidence, assessing
23 witness credibility, or undertaking a minute and
24 prolonged examination of documents, as this may usurp
25 the function of the trial judge. Conversely, the fact
26 that lengthy argument or extensive document analysis is
27 required, does not create a bar against striking out,
28 particularly where this may avoid the expense of a
29 trial.

30 Fifthly, where the objection concerns
31 inadequate particulars, ambiguity, or defective
32 formulation, rather than the absence of any sustainable

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1 cause of action, the court may consider whether the
2 defect can be cured by amendment.

3 Sixthly, claims for constitutional redress are
4 not immune from the court's strikeout jurisdiction.

5 See, for example, Bahamas Bar Council v Christie and
6 others, 2074 BHSJ No. 2, and Glington and Esfarkis v

7 Ingraham and others, 2071 WLR1.

8 Finally, like any other power exercisable
9 under the CPR, the jurisdiction to strike out must now
10 be exercised in light of the overriding objective.

11 The ground in sub-rule (b), that is no
12 reasonable ground for bringing or defending a claim, is
13 directed principally to the legal and pleading
14 sufficiency of the claimant's statement of case or the
15 defendant's defense. The 2024 White Book at
16 paragraph 3.4.2 provides examples of cases within the
17 equivalent rule in England. These include where the
18 particulars disclose no reasonable grounds for bringing
19 the claim, claims which set out no facts indicating what
20 the claim is about, and claims which contain a coherent
21 set of facts, but those facts, even if true, do not
22 disclose any legally recognizable claim against the
23 defendant. The authors of the 2024 White Book also
24 suggest that an unreasonably vague and incoherent
25 statement of case which is likely to obstruct the just
26 disposal of the case, is liable to be struck out.

27 The concept of a pleading which is frivolous,
28 vexatious, scandalous, or an abuse of process is not new
29 to our procedural regime. The selfsame striking out
30 grounds were included in Order 18 Rule 19 of the former
31 Rules of The Supreme Court.

32 The authors of the 1997 White Book, at

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1 paragraph 18-19-13, suggested that the words "frivolous
2 or vexatious" apply to cases which are "obviously
3 frivolous or vexatious or obviously unsustainable," and
4 include proceedings which are an abuse of process.

5 Although the term "abuse of the process of the
6 court" is not defined in the CPR, the authors of the

7 2024 White Book, at paragraph 3.4.3, suggests that this
8 involves using the court's process "for a purpose or in
9 a way significantly different from its ordinary and
10 proper use."

11 Traditionally, this has been described as
12 involving the improper use of the court's machinery. A
13 claim may therefore be legally arguable, yet, still,
14 constitute an abuse because of the purpose for which it
15 is brought, its relationship to other proceedings, or in
16 the manner in which the court's procedures are being
17 used. The categories of abuse of process are, of
18 course, not closed. The court has also always retained
19 an inherent power to strike out proceedings which are
20 abusive of its processes.

21 In this vein, there are numerous authorities
22 which confirm that there is often a reluctance on the
23 part of civil courts to entertain legal claims or
24 challenges which overlap with an ongoing or prior
25 criminal prosecution.

26 The foundational authority is Hunter v Chief
27 Constable, 1982 Two AC 529, where the House of Lords
28 held a civil action to be abusive where it mounted a
29 collateral attack on an earlier determination made by a
30 competent criminal court after the claimant had a full
31 opportunity to contest the issue. It was suggested that
32 the proper route to mount such a challenge was by way of

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1 criminal appeal.

2 In Hoar Stevens v Richmond Magistrate Court,
3 2003, EWHC 2660 admin, the defendant sought judicial
4 review during an ongoing magistrate's court trial after
5 the trial judge rejected a stay application based on
6 alleged disclosure failures. The divisional court
7 refused to intervene in the conduct of the unfinished
8 criminal trial. In doing so, the court suggested that
9 the proper course was to complete the criminal
10 proceedings and challenge any material error afterwards
11 through the appropriate criminal route. The court also
12 discharged an interim stay that had halted the criminal
13 case.

14 A similar conclusion was reached in Sharma v
15 Brown Antoine and others, 2007 1WLR 780, where the
16 appellant, a former Chief Justice of Trinidad applied
17 for judicial review of a decision to prosecute him for
18 having attempted to influence the course of a trial
19 being conducted by the chief magistrate. The House Of
20 Lords held, among other things, that although a decision
21 to prosecute was, in principle, susceptible to judicial
22 review, such relief would, in practice, be granted
23 extremely rarely, and that in considering whether to
24 grant leave for judicial review, the court had to be
25 satisfied not only that the claim had a realistic
26 prospect of success, but also that the complaint could
27 not be adequately resolved within the criminal process
28 itself, either at the trial, or by way of an application
29 to stay the criminal proceedings as an abuse of process.

30 In the end result, the court held that all the
31 issues would best be investigated and resolved in a
32 single set of criminal proceedings. This takes on

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1 heightened significance where a claimant seeks to assert
2 a claim for redress pursuant to Article 28 of the
3 Constitution in respect of a matter for which adequate
4 means of redress are or have been available to him under
5 any other law.

6 In this case, Article 28(2) declares that The
7 Supreme Court, "shall no" exercise its powers to grant
8 relief under Article 28. As was pointed out by Lord
9 Stevens in Farrington v the King, 2025 UKPC 21 at
10 paragraph 80, if the court is satisfied that adequate
11 means of redress are available elsewhere, the proviso,
12 "shuts out completely the grant of constitutional
13 redress."

14 Coming back to the claimant's statement of
15 claim, as indicated, in paragraph 4, he alleges breach
16 of his rights under Article 21 of the Constitution.
17 This, he says, arose from him being subjected to an
18 unfair hearing in Magistrate Court No. 4, the magistrate
19 admitting an illegal search warrant into evidence, and
20 his arraignment on a false charge sheet.

21 The criminal proceedings out of which these
22 complaints arise are actually still underway, and if
23 convicted, the Claimant would be entitled to appeal. In
24 this state of affairs, I find the purported claim under
25 Article 20 to be an abuse of process, and I would order
26 that the same be struck out.

27 Even if I were not minded to strike out this
28 particular claim, I would have directed that it be
29 stayed pending conclusion of the proceedings before the
30 learned magistrate. While I accept the Claimant's
31 submission that it is no longer the position at common
32 law that a civil action will invariably be stayed while

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1 a related criminal prosecution is ongoing, I would have,
2 nonetheless, in the exercise of my discretion, deemed a
3 stay to be appropriate with respect to the purported
4 claim of breach of the Claimant's Article 20 rights. To
5 do otherwise would likely delay the criminal proceedings
6 and result in piecemeal litigation and/or run the risk
7 of inconsistent findings. The magistrate court, as the
8 court seized of the criminal prosecution and the
9 appellate courts are also better positioned to resolve
10 the specific allegations raised.

11 The claimant's claim in malicious prosecution,
12 in my view, is still born. The evidence before the
13 court indicates that the relevant prosecution is still
14 ongoing and has not yet been determined. This is common
15 ground between the parties. The Claimant cannot
16 therefore say that the criminal prosecution terminated
17 in his favor. The claim is, therefore, lacking a
18 necessary prerequisite to the establishment of legal
19 liability. See, for example, Halsbury's Laws of
20 England, Volume 97 (a) at paragraph 311 for the elements
21 of a claim in malicious prosecution, including the
22 requirement that the proceedings complained of
23 terminated in the Claimant's favor.

24 On this basis, I would likewise order that the
25 purported claim for malicious prosecution, which is also
26 entirely un-particularized be struck out.

27 I would also strike out the Claimant's claim
28 pursuant to Article 17 of the Constitution. Here, he
29 simply makes a bare allegation that his constitutional
30 rights under Article 17 were violated, in that he was,
31 "on the 9 of June 2024 subjected to inhumane and
32 degrading treatment and torture in the Nassau Street --

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1 Police Station." There is no indication of the facts
2 alleged to constitute inhumane and degrading treatment
3 or torture or even who committed any alleged torture.
4 Just a bald statement.

5 I do not regard this simply as a matter of
6 inadequate particularization. I regard it as a matter

7 where, on the face of the statement of case, the cause
8 of action for breach of Article 17 is not made out. And
9 if it is that the complaint relates to the allegation in
10 paragraph 2(b) of the statement of claim, to the effect
11 that the Claimant was subjected to threats of death,
12 which he says, "amounted to assault and battery," he
13 would be entitled to seek relief for this at common law
14 in tort.

15 In the same vein, the Claimant's complaint of
16 breach of his rights under Article 19 of the
17 Constitution is stated to be predicated on his,
18 "unlawful arrest," and his subjection to "false
19 imprisonment" with no further details provided. If so,
20 he would be perfectly entitled to seek relief at common
21 law in tort. The claim for relief under Article 19,
22 therefore, likewise, appears to be abusive.

23 The Claimant's complaint of breach of his
24 rights under Article 25 of the Constitution appears to
25 suffer from the same shortcoming. According to
26 paragraph 6 of his statement of claim, this is seemingly
27 stated to arise from his movements being restricted as a
28 result of him being in "unlawful custody under an
29 unlawful search warrant" with nothing more. If so, he
30 would again be entitled to seek relief at common law in
31 tort.

32 The claimant's claim for breach of his rights

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1 under Article 21 is slightly different. In addition to
2 alleging the unlawful entry into his home, the Claimant
3 speaks to his person and home being searched. This
4 additional feature may possibly raise issues taking the
5 claim outside pure tort law. The point was not argued
6 before me in any detail. I am also mindful that this is
7 a strikeout application, and a degree of caution attends
8 the exercise of my discretion.

9 In conclusion, and having considered the
10 affidavit evidence, submissions, and authorities of both
11 sides in their entirety, I, therefore, order:

12 One, the claimant's claim for breach of his
13 rights under Article 20 of the Constitution in relation
14 to the criminal proceedings pending before the
15 magistrate court be struck out;

16 Two, the Claimant's claim for malicious
17 prosecution be struck out;

18 Three, the Claimant's claim for breach of his
19 rights under Article 17 of the Constitution be struck
20 out;

21 Four, the Claimant's claim of breach of his
22 rights under Article 19 of the Constitution be struck
23 out;

24 Five, the Claimant's claim for breach of his
25 rights under Article 25 of the Constitution be struck
26 out.

27 I will not order that the Statement of Claim
28 be struck out in its entirety. The Claimant does make
29 allegations of assault, battery, unlawful arrest, and
30 false imprisonment, all of which may potentially give
31 rise to relief at common law.

32 I would also not strike out his allegation of

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1 breach of Article 21. The Claimant, if pursuing these
2 allegations, will, however, need to consider amending
3 his Statement of Claim to properly articulate these
4 causes of action.

5 I do not intend to spend much time addressing
6 the Claimant's application to strike out the Defendant's
7 defense. As indicated, this application is predicated
8 on the Defendant's failure to serve him with copies of
9 their Notice of Application to Strike Out and supporting
10 documents by 6 May 2026 as directed by the court in a
11 directions order of 4 May 2026. The Claimant has not
12 asserted that he was not served with the Defendant's
13 Strike Out Application documents at all. He filed
14 responsive affidavit evidence to the strike out
15 application, and he laid over detailed written
16 submissions addressing the application and made oral
17 arguments on the same. If there was late service, there
18 was therefore no prejudice suffered by him, and he has
19 pointed me to none. If there was late service, I would,
20 therefore, invoke the dispensing powers of the court to
21 extend the time for such service or to put matters right
22 and allow service of the Defendant's striking out
23 application documents to stand. Striking out the
24 defense would also be wholly contrary to the overriding
25 objective, which requires the court to deal with cases
26 justly.

27 I would also refuse to strike out the
28 Defendant's affidavit evidence based on the objections
29 raised by the Claimant. On close examination, both
30 affidavits appear to contain a certificate page. It
31 seems that this was simply not inserted in the correct
32 place sequentially when the affidavits were uploaded.

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1 Both affidavits also appear to have been notarized.
2 Further, as indicated, the Claimant actually filed
3 responsive affidavit evidence of his own in answer to
4 the Defendant's affidavits. There was no evidence of
5 any prejudice suffered by him. To the extent it was
6 necessary, counsel for the defendants also gave an
7 undertaking to re-file the affidavits with a proper
8 certificate page inserted. Moreover, the rules
9 expressly declare that errors of procedure or the
10 failure to comply with a rule, practice, direction, or
11 court order does not invalidate any step taken in the
12 proceedings unless the court so orders in the
13 circumstances. And also having regard to the overriding
14 objective, I decline to strike out the Defendant's
15 affidavits on the basis of the objections asserted by
16 the claimant.

17 Insofar as the defendant's strikeout
18 application was largely successful, I will award them
19 two thirds of their costs of the same, which I will
20 summarily assess unless otherwise agreed.

21 I make no order as to the costs of the
22 Claimant's applications to strike out the Defendant's
23 defense and to strike out the Defendant's affidavit
24 evidence.

25 In closing, I would only add that it should be
26 clear from my ruling that nothing I have stated should
27 be construed as suggesting that the proceedings before
28 the learned magistrate should not continue, or that they
29 need to await some further determination from this
30 court. On the contrary, I take the view that those
31 proceedings should move forward to completion. I also
32 make no findings in relation to the remaining causes of

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1 action or allegations left in the Claimant's Statement
2 of Claim, which have not been stricken.

3 So that is my ruling.

4 (Audio ended)

5 - - - - -

6 *L. Faguherton*

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