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COMMONWEALTH OF THE BAHAMAS  
IN THE COURT OF APPEAL  
MCCrApp & CAIS No. 149 of 2019

Jeleah Turnquest

Appellant

vs

The Commissioner of Police

Respondent

(Substantive Appeal)

Before: The Hon Sir Michael Barnett, President  
The Hon Mr Justice Isaacs, JA  
The Hon Mr Justice Evans, JA

Mr Bjorn Ferguson, Counsel for Appellant  
Mr Eucal Bonaby, with Ms Jacklyn Burrows, Counsel  
for Respondent

9 December 2020

1 The oral judgment of the court was delivered by

2 Sir Michael Barnett, P:

3 This is an appeal by the appellant against an order  
4 made by Magistrate Swain that she produced proof of payment of  
5 the sum of money by close of business that day.

6 We are satisfied, and counsel for the respondent has  
7 conceded, that there is no jurisdiction in the magistrate to  
8 make the order that she purported to make. Whether or not it  
9 was necessary for the appellant to appeal that order to the  
10 court or whether it ought to have gone back to the magistrate  
11 is, in our view, an academic issue. The appellant came to  
12 this court, as it is entitled to do, to set aside an order  
13 made by the magistrate.

14 As this magistrate had no jurisdiction to make this  
15 order, we are satisfied that the proper course of action is to  
16 quash the order made by the magistrate and to remit the matter  
17 back to the magistrate for the completion of the hearing.

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Dated this 9th day of December, 2020

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SIR MICHAEL BARNETT, P

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25 ss