COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

SCCrApp & CAIS No. 178 of 2024

Gregg I. Pinder

Appellant

v

The Director of Public Prosecutions

Respondent

(Substantive Appeal)

Before: The Hon Madam Justice Fraser, JA
The Hon Mr Justice Hilton, JA
The Hon Mr Justice Kokaram, JA

Appellant appeared Pro Se
Ms Eurika Coccia, Counsel for Respondent

14 July 2026

The oral judgment of the court was delivered by

Hilton, JA:

In this appeal, No. 178 of 2024, the appellant sought to appeal his conviction and sentence for the offence of robbery. The appellant was originally charged with armed robbery, and in a trial before a judge and jury in the Supreme Court, he was convicted of robbery on 2nd May, 2024.

On 18th September, 2024, he was sentenced, after a sentencing hearing, to 6 years' imprisonment on the offence.

The appellant filed an appeal against his conviction and sentence on 8th October, 2024. Subsequent to which, he limited his appeal to appeal against conviction only. The appellant appealed his conviction on the sole ground essentially that the evidence adduced during the trial could not support a conviction for robbery as, in his submission, there was no violence proved and, he submits, that the alternate offence of stealing should have been left for the jury to consider.

In this matter, the transcripts reveal that the evidence, which would have been accepted by the jury, came from three sources, essentially: firstly, by the virtual complainant; secondly, by the appellant himself in his admitted record of interview; and thirdly, by the police officer, who would have arrested the appellant and recovered the cellphone that was taken from the virtual complainant.

The uncontested evidence is that on the date in question the appellant entered the home of the virtual complainant (a townhouse), went upstairs and took items of jewellery from her dresser from an upstairs bedroom. That the appellant, on seeking to come back down the stairs, came face-to-face with the virtual complainant, who purportedly had just returned to the house after taking her dog for a walk, and told her that she needed to go upstairs or that he will "shoot her".

According to the appellant's evidence in the trial, page 42 of the transcripts, the appellant then put something to her back, and she testified that she thought it was a gun, and he forcibly took from her, her cellphone.

After that occurred, she indicated that she ran away and eventually got help with a neighbour's assistance and called the police. The appellant apparently also ran away.

The evidence of the virtual complainant establishes that she later identified her cellular phone at the police station, and that she also identified the appellant as the person who robbed her in a photo gallery identification parade procedure.

The evidence also establishes that the cellphone owned by the virtual complainant was found in the appellant's house when they arrested him sometime after the incident.

In her summation to the jury, the learned judge left

the offence of armed robbery for the jury to consider, as well as the offence of robbery, if they did not accept that the appellant had a firearm. After deliberation, the jury returned a verdict of not guilty of armed robbery but guilty of robbery.

We find no fault with the verdict and agree with the learned judge's summation in leaving robbery to the jury for the jury's consideration, if they did not accept that a firearm was used for the offence of armed robbery to be established.

The uncontested evidence that the appellant forcibly took the cellphone from the virtual complainant while using threats against her clearly establishes the offence of robbery. Robbery is defined in the Penal Code as "stealing accompanied with actual violence or the threat of violence to any person used with the intent to extort the property stolen".

In this court's view, there is no merit in the appellant's ground of appeal that no violence or threat of violence was used. In the circumstances, we find no merit in his ground of appeal against conviction.

Notwithstanding that he did not pursue the appeal against sentence, on a perusal of the transcript in the sentencing decision of the learned judge, the sentence of 6 years was imposed having taken into consideration the time the

appellant would have spent on remand awaiting trial and having considered the other appropriate matters, such as antecedents. We find that the judge passed the sentence of 6 years after considering all the appropriate things that were necessary.

In the circumstances, we find that the conviction and sentence should be upheld and they are hereby affirmed.

Dated this 14th day of July, 2026

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HILTON, JA

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