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referred to
in the
Affidavit
Of
Joseph DiPaolo

“JJD1”
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Exhibit "JDD1"

1

1 February 19, 2015 - 5:00 p.m.

2 Nassau, The Bahamas

3

4 My name is Livingston Bullard. I'm 34, and I
5 reside here in Nassau, The Bahamas, Bain Town.

6 I met Nygard sometime in February or March
7 2014, and someone introduce him to me. Dr. Philip
8 McPhee introduced me to him to tell them he need my kind
9 of help because I'm a good person, well-known in the
10 community and I was capable of doing anything he want me
11 to do.

12 The first march I did was July 14, 12:31 p.m.,
13 2014. The purpose of the march was to damage Louis
14 Bacon's name, Fred Smith's name and CB Moss' name.

15 Mr. Nygard called me to Nygard Cay, invite me
16 to Nygard Cay and asked me, told me to throw a protest
17 for him.

18 So I asked him how much people he need? He
19 said as much as I could bring. He asked me how much
20 would it cost. I told him \$150,000.

21 And then we throw the march and he paid us the
22 money. The march was held in Rawson Square, Nassau,
23 downtown. There were 4,500 people, roughly.

24 Mr. Nygard made up the shirts and the flyers,
25 the posters with the Klu Klux Klan, KKK, Louis Bacon is

1 in the KKK clan, he is a racist, to free us from Louis
2 Bacon as a slave. Also, Fred Smith is a liar and he
3 works for Louis Bacon. The purpose of this was to
4 slander their names so people in The Bahamas can see
5 something negative about them. He say he want Louis
6 Bacon run out of the country because he does not belong
7 here because he is a racist man.

8 I paid each person 25 dollars a person. I
9 personally paid these people. They had no other purpose
10 other than being paid. Nygard paid me before. We got
11 \$50,000. \$150,000 was to deal with the crew. He gave
12 us \$50,000 each and he put some additional on there.
13 When he send back the money, he send \$80,000 more.

14 Since that first march, I have been out to
15 Lyford Cay and spoke with Mr. Nygard. We talked about
16 serious matters dealing with where he want us to fuck up
17 some people. You understand?

18 I have been out there a number of times
19 talking about serious matters. In total we met with him
20 about 20 times. We met about six times in Nygard Cay to
21 talk about serious matters about fucking people up. And
22 these people are local and he talked about people in the
23 States as well.

24

25

1 We go in his house or sometimes he come in our
2 car around we discuss things direct.

3 I had Mr. Nygard's personal cellphone number.
4 We don't go through anybody else. We go through him
5 directly.

6 He talked about sending a message where he
7 want to hurt somebody. He refer, say, "I want to send a
8 message."

9 He sent out a hit list and he gave us a number
10 of names to deal with these persons, to fuck up.

11 In December there was another march. The
12 other march, Keod Smith was the head in that. He worked
13 through Keod Smith in that one. Keod Smith contacted me
14 about that. The purpose of the march to slander Louis
15 Bacon and the other rest of their names. To slander
16 their names.

17 It was the Klu Klux Klan, too. This march
18 occurred at Rawson Square, downtown Junkanoo, Nassau,
19 Bahamas. That was in December. These people were paid
20 25 dollars to march in this march. That was the amount
21 of money. We made less money. It was \$60,000 dollars
22 for Junkanoo.

23 I got a permit from the Commissioner of
24 Police, Leon Bethell to approve the protest for Mr.
25 Nygard, which is the one in July 2014. With Leon

1 Bethell, it was just a regular standard thing where
2 anyone can go through and get a permit.

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Bullard

Livingston Bullard

James D. [Signature]
Witness

AFFIDAVIT OF JESTAN SANDS

I, Jestan Sands, a citizen of The Bahamas, currently studying abroad, make oath and say as follows:

1. I depose hereto from my personal knowledge unless otherwise stated, and where otherwise stated, I set out the grounds and sources of my information, which I verily believe to be true.

My background

2. I have worked in the hospitality industry for over a decade. Between 2005 and 2007 I was the Assistant Guest Service Manager/Resort Assistant Manager at the Four Seasons Resort in Exuma. I then worked as the Property Manager at Nygård Cay between 2007 and 2008. Between 2009 and 2013 I was the Operations Manager at the Abaco Club in Winding Bay. From 2013 to December 2014 I was the Executive Assistant Manager of Operations at SuperClubs Breezes Resort in Nassau, Bahamas. From the end of January 2015 until June 2015 I was the Acting Property Manager at Nygård Cay. From June 2015 until December 2015 I was the Project Manager at the Nygård Slims store at the Mall at Marathon in Nassau, The Bahamas. I am currently studying to further my career in the hospitality and restaurant operations industry.

Employment by Nygård International Holdings

3. As stated above, I previously worked at Mr. Peter Nygård's property, Nygård Cay, as his property manager for one (1) year from 2007 to 2008. Initially I was hired as his food and beverage manager/special events manager before my role changed into property manager. I assumed this role for six (6) months in 2015. During each period of my employment at Nygård Cay I was employed by Nygård International Holdings.
4. I had heard, as a result of applying for a job at Lyford Cay Club which is in the area where Mr. Nygård lives, that Mr. Nygård was looking for a property manager as he was embarking on opening up his own private rental resort. I applied to Nygård Cay where Ms. Bianca Nygård, his daughter, telephoned and interviewed me. I subsequently was interviewed by Mr. Nygård and hired on the spot as his food and

beverage manager/special events manager. My role subsequently changed to property manager in the months thereafter.

5. I was responsible for implementing all standard operating procedures for the resort, from the rooms to food and beverage and events. Bianca Nygård was lead, and I was her second in charge, called a "2IC".
6. I and the other staff provided a hotel experience for paying guests staying at Nygård Cay. In essence, I assisted Bianca Nygård in executing the leadership of the entire stay for the guests. I was responsible for guests from pre-arrival, ensuring that all information required for their stay was obtained, that we met their room needs, and that the menus and activities were suitable. We offered the paying guests at Nygård Cay the entire concierge experience. Post departure, I was responsible for following up with guests, ensuring that they received all materials, photos, anything that was memorable from their trip and ensuring that they were completely satisfied with their experience.

Association with criminals

7. Whilst I was working at Nygård Cay last year, two men, called "Bobo" and "Toggi", visited Mr. Nygård at Nygård Cay several times. They are both widely regarded in The Bahamas as criminals from Bain Town, which is a relatively deprived area in The Bahamas. The men were friends of Lawrence Harrison, who is a well-known gang member that has worked for Mr. Nygård.
8. Whenever Mr. Nygård returned to Nassau, Bobo and Toggi would be among the first people he invited to meet with him at his house on arrival. They would meet with Mr. Nygård to give him an update as to what they had been doing for him. I have also been present on multiple occasions when they have had dinner with Mr. Nygård at Nygård Cay. After dinner, Mr. Nygård would pay them cash for the work that they had been doing and were going to do on his behalf. In my experience, that is how Mr. Nygård routinely operates with people he hires, i.e. he has them around for dinner and pays them in cash afterwards.
9. I remember on one occasion Mr. Nygård had a 'secret meeting' with Bobo and Toggi off the property. A colleague who worked with me at the Nygård Slims store, Karin, had a rental car which Mr. Nygård and his main girlfriend/assistant at the time, a woman called Biehare, borrowed. I was advised by Biehare, and verily believed, that

she and Mr. Nygård took the rental car to Bain Town for a 'secret meeting' with Bobo and Toggi.

10. After on of their meetings and dinners with Mr. Nygård, I escorted Bobo and Toggi out of Nygård Cay. I remember one time in particular walking them out and hearing them talk to someone else. They said words to the effect that:

“Your boy [meaning Mr. Nygård] hired us to take care of this. We can take care of that guy for him. We can deal with that for him.”

11. If you are Bahamian and you hear someone like Bobo and Toggi say they can “take care of someone” you know that this means killing them. I understood that the reference to “that guy” was a reference to Mr. Louis Bacon. They did not say his name expressly but everyone knew that the meetings between Bobo and Toggi and Mr. Nygård were all about Mr. Bacon. Their entire agenda was anti-Louis Bacon and I understood that this was the only thing that the meetings amongst Bobo, Toggi and Mr. Nygård were about.

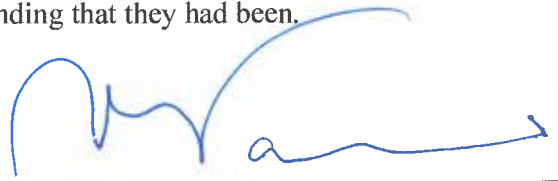
12. On another occasion when I escorted Bobo and Toggi off the property, I remember them asking me if Mr. Nygård was serious and was really going to pay them to kill. I said I did not know and that if Mr. Nygård had said he would pay them something, then they would have to take that up with him.

13. I did not specifically hear Mr. Nygård say that Bobo and Toggi had been hired to kill Mr. Bacon; however, it was my understanding that they had been.

SWORN before me at the City of
Toronto in the Province of Ontario
this 28th day of February, 2016.


NOTARY PUBLIC

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Jestan Sands

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SWORN STATEMENT

1111 South Royal Poinciana Boulevard
Miami Springs, Florida
January 24, 2016
4:15 P.M.

APPEARANCES:

By: JOHN DIPAOLO.

By: JORGE MIYAR

By: R. SCOTT RIVAS

SWORN STATEMENT

OF

LIVINGSTON BULLARD A/K/A TOGGIE

1 -----
2 Thereupon:

3 LIVINGSTON BULLARD

4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. MIYAR: Toggie, we'll talk about Pericles
8 Mallis, who is one of the individuals on Peter Nygard's
9 hit list. When did Peter Nygard first instruct you and
10 Bobo that Pericles was on the hit list?

11 TOGGIE: I cannot remember exactly the month but
12 it was sometime in 2015, the early part of 2015. But,
13 again, I can't exactly remember the month.

14 MR. MIYAR: Was it before the first demonstration
15 or after?

16 TOGGIE: It's before.

17 MR. MIYAR: Okay.

18 MR. RIVAS: So that would be 2014.

19 THE WITNESS: '14 then. Oh, yeah.

20 MR. DIPAOLO: Yes.

21 THE WITNESS: It's New Year Eve.

22 MR. DIPAOLO: Yeah, because the demonstration was
23 June of 2014.

24 TOGGIE: I was thinking it's 2015.

25 MR. RIVAS: Yeah, '14. Right.

1 MR. DIPAOLO: 2014. Okay.

2 MR. MIYAR: And what did Peter Nygard specifically
3 tell you he wanted done with Pericles Mallis?

4 TOGGIE: He told us he wants to kill Pericles
5 Mallis. And we'd get a large lump sum of money if we
6 kill Pericles Mallis.

7 MR. MIYAR: And where did he tell you this?

8 TOGGIE: He tell us this at Nygard Cay.

9 MR. MIYAR: At his residence?

10 TOGGIE: At his residence at Nygard Cay.

11 MR. MIYAR: Was anybody else there to witness it?

12 TOGGIE: No. You don't understand but his
13 bodyguard was a couple feet away.

14 MR. MIYAR: And do you know that person's name?

15 TOGGIE: Yeah, his name is Leo Thurston.

16 MR. MIYAR: Can you repeat that?

17 TOGGIE: Leo Thurston.

18 MR. RIVAS: Thurston?

19 TOGGIE: Yeah.

20 MR. MIYAR: So you believe that Leo Thurston may
21 have overheard him speaking about this?

22 TOGGIE: Yeah, he heard it.

23 MR. MIYAR: And what steps did you and Bobo take
24 to locate Pericles Mallis; did you conduct
25 surveillance?

1 TOGGIE: Yeah, we went to his office. We stake
2 him out. We follow him a couple times, bump his car
3 but too much people was around so he end up getting
4 away from us.

5 MR. RIVAS: Just you and Bobo together?

6 TOGGIE: Yeah, just me and Bobo.

7 MR. RIVAS: One vehicle?

8 TOGGIE: Yeah, one vehicle.

9 MR. MIYAR: Okay. So you conduct the surveillance
10 at his law office --

11 TOGGIE: In Nassau.

12 MR. MIYAR: -- in the Bahamas?

13 TOGGIE: Yeah.

14 MR. MIYAR: Okay. Did you follow him from his law
15 office somewhere?

16 TOGGIE: Yeah, we followed him. We follow him to
17 his law office, from his law office straight downtown.
18 And when we bumped his car, he stopped but he didn't
19 come out. And he continued going.

20 MR. MIYAR: So you accidentally hit his car with
21 your car?

22 TOGGIE: Yeah, we just bump like it for him to
23 stop.

24 MR. RIVAS: So it wasn't an accident, you did it
25 on purpose?

1 TOGGIE: It wasn't no accident, right.

2 MR. DIPAOLO: You bumped him.

3 MR. MIYAR: And where did that happen, what
4 location?

5 TOGGIE: It happened on the main downtown Nassau
6 heading northeast.

7 MR. MIYAR: And how were you planning to conduct
8 the hit?

9 TOGGIE: We was planning when he come out, we was
10 planning to shoot him up.

11 MR. MIYAR: And with what gun?

12 TOGGIE: Two 9.

13 MR. MIYAR: Two 9-millimeters?

14 TOGGIE: Yes, sir.

15 MR. MIYAR: And who gave you the 9-millimeters?

16 TOGGIE: We purchased it ourself. We get the
17 money to purchase it from Mr. Peter Nygard but we
18 purchased it ourselves.

19 MR. MIYAR: Okay. Where did you purchase them?

20 TOGGIE: Jeez. Oh, man. We purchased it from a
21 friend of ours.

22 MR. RIVAS: Just a friend on the street?

23 TOGGIE: Yeah, a friend on the street. Yeah.

24 MR. RIVAS: Not a store?

25 TOGGIE: No. Huh-uh.

1 MR. MIYAR: So, however, the hit did not happen
2 because why?

3 TOGGIE: The hit didn't happen because the first
4 time we tried there's too much people around so he end
5 up getting away.

6 MR. RIVAS: Okay. So you said it was like early
7 2014 when he talked about it?

8 TOGGIE: Yeah.

9 MR. RIVAS: And Leo was present?

10 TOGGIE: Yeah.

11 MR. RIVAS: When did you start the surveillance?

12 TOGGIE: Right after he tell us to.

13 MR. RIVAS: So early 2014?

14 TOGGIE: Yeah.

15 MR. RIVAS: And then when was the attempt with the
16 bump?

17 TOGGIE: That's about two weeks after he told us.

18 MR. RIVAS: Okay.

19 TOGGIE: Because we didn't know who he was first.

20 MR. RIVAS: Okay.

21 TOGGIE: You understand? We keep on asking people
22 in the area who he is because we didn't want to get the
23 wrong person mistake.

24 MR. DIPAOLO: That would be bad.

25 TOGGIE: Yeah.

1 MR. RIVAS: Yeah.

2 MR. MIYAR: And what type of car was he driving?

3 TOGGIE: He was driving a blue Jeep.

4 MR. MIYAR: Blue Jeep. Do you know the make and
5 model of the Jeep?

6 TOGGIE: Oh, I don't know.

7 MR. MIYAR: Four door, a two door?

8 TOGGIE: I think it's a four door. It's a four
9 door.

10 MR. RIVAS: Like with the ragtop where it goes
11 down or is it hard all the way around?

12 TOGGIE: No, hard.

13 MR. RIVAS: Hard. Like a Cherokee.

14 MR. MIYAR: And was there a second time that you
15 followed him?

16 TOGGIE: No.

17 MR. MIYAR: And that one didn't work?

18 TOGGIE: Oh, yeah, the second time. And then we
19 found out where his sister live. And we told him -- we
20 told Mr. Nygard that it's difficult to get him so we'll
21 get his sister.

22 MR. MIYAR: And where did his sister live?

23 TOGGIE: She live right off West Bay Street in a
24 yellow two-story house.

25 MR. RIVAS: Off Bay Street?

1 TOGGIE: Off West Bay Street.

2 MR. MIYAR: And how did you locate her?

3 TOGGIE: We pick up one of our friends and we was
4 asking him about where is Pericles Mallis. So he say
5 he don't know where Pericles Mallis live but he know
6 where his sister live. And that's how we locate where
7 she lives.

8 MR. MIYAR: And do you know her name?

9 TOGGIE: No, we don't know her name.

10 MR. MIYAR: Okay. But did you follow her, too?

11 TOGGIE: No, we never had the chance to follow her
12 because he know she lived there but he don't know how
13 she look.

14 MR. MIYAR: Now you said in the past that Pericles
15 Mallis was just inch, there was an inch from killing
16 Pericles Mallis?

17 TOGGIE: Yeah.

18 MR. MIYAR: That you were going to bomb his car.
19 Was that separate from the bump?

20 TOGGIE: No, that's the same thing.

21 MR. RIVAS: Same thing.

22 MR. MIYAR: Okay. So let us clarify that. By
23 bombing his car, what do you mean by bombing his car?

24 TOGGIE: Like hit it so he could stop and come
25 out.

1 MR. MIYAR: Oh, okay. Bumping his car?

2 MR. RIVAS: While it's in an accident.

3 MR. DIPAOLO: Bumping it.

4 TOGGIE: Bumping it, yeah.

5 MR. DIPAOLO: Bumping it, not bombing it. Okay.

6 Because it says bombing it.

7 MR. MIYAR: So to clarify that, so it's just
8 bumping his car?

9 TOGGIE: Yeah.

10 MR. RIVAS: So he can get out and then you were
11 gonna shoot him?

12 TOGGIE: (Nodding his head.)

13 MR. MIYAR: And you said he lives in a long street
14 so there was too much cars?

15 TOGGIE: Too much cars, yeah.

16 MR. MIYAR: People there so it wasn't done?

17 TOGGIE: Yeah.

18 MR. MIYAR: Did you report back to Peter Nygard
19 the job that you guys had done and the fact that --

20 TOGGIE: Yeah, we told him that. We told him
21 everything. And he gave us something. He give us a
22 couple dollars to continue to watch him.

23 MR. RIVAS: Do you remember if it was morning,
24 noon, night, daylight, dark when you bumped him?

25 TOGGIE: It was in the evening.

1 MR. RIVAS: Evening. So it was sunset?

2 TOGGIE: Sunset after -- it was definitely after
3 almost 6:00.

4 MR. RIVAS: Okay.

5 MR. MIYAR: And when you bumped his car, how did
6 he react?

7 TOGGIE: He just looked back and he like stopped
8 and looked back and continued going. He never get out
9 of the car.

10 MR. MIYAR: And what did Peter Nygard say when
11 this hit was not accomplished? Do you recall exactly
12 what he said and where he was when you --

13 TOGGIE: When we told him he say -- when we told
14 him we say, man, we is close but we missed. He's mad.
15 You understand? He's saying, you didn't do the job
16 good. And we didn't get the full paycheck that he's
17 supposed to give us.

18 MR. MIYAR: But he did compensate you something?

19 TOGGIE: \$10,000.

20 MR. DIPAOLO: And how much would he have paid you
21 if you would have completed it; did he say?

22 TOGGIE: All he said it's a large lump sum. He
23 never said --

24 MR. DIPAOLO: He never told you exactly?

25 TOGGIE: Exactly the figure.

1 MR. DIPAOLO: Okay. And, again, Pericles was one.
2 of those guys that was a pain in his neck with the
3 homeowner's association at Lyford Cay; right?

4 TOGGIE: Yeah. Yeah.

5 MR. DIPAOLO: That's why Nygard was angry at him?

6 TOGGIE: Yeah.

7 MR. DIPAOLO: Because he was the attorney for the
8 homeowner's association?

9 TOGGIE: Association, yeah.

10 MR. DIPAOLO: Okay.

11 MR. MIYAR: That's correct. So in your own words,
12 that's a good point, what was Nygard's motivation to
13 have him hit?

14 TOGGIE: What was his motivation? Nygard say he's
15 a pain in his ass so he want him out.

16 MR. MIYAR: Pain in his ass because of what?

17 TOGGIE: Because he keep on -- he keep on -- so
18 Nygard say -- we didn't know why we're gonna be taking
19 the job. Nygard said he wants to keep fucking with
20 him. You understand?

21 MR. DIPAOLO: All right. Now Fred was another one
22 that was on that hit list, Fred Smith?

23 TOGGIE: Yeah.

24 MR. DIPAOLO: Fred Smith was another one. You all
25 know who Fred Smith is on the island; right?

1 TOGGIE: Yeah.

2 MR. DIPAOLO: You did say you did a little bit of
3 work on him like you knew where his house was. Tell us
4 a little bit about that, what you did.

5 TOGGIE: What happened with Fred Smith, Fred
6 Smith's from Freeport. You understand?

7 MR. DIPAOLO: Uh-huh.

8 TOGGIE: And it's difficult for us to get to Fred
9 Smith. But if we give Nygard penny lies on Fred Smith
10 telling him we're gonna kill Fred Smith and everything.
11 Because he wanted us to kill Fred Smith. But we tell
12 him just so he could give us money, that we're
13 following Fred Smith and all that. But Fred Smith's
14 hard to catch up with because he ain't from Nassau,
15 he's from Freeport, and we didn't know Freeport too
16 much like that.

17 MR. DIPAOLO: All right. Okay. So you had
18 somebody over in Freeport, eyes over there?

19 TOGGIE: No, we had someone in Freeport looking
20 for him. But he said Fred Smith's hard to catch up
21 with.

22 MR. DIPAOLO: All right.

23 MR. RIVAS: He drives fast?

24 TOGGIE: I don't know. All he said, he just tell
25 us that Fred Smith's really hard to catch up with. I

1 don't think he's driving. He just can't see him.

2 MR. DIPAOLO: Yeah. Okay.

3 TOGGIE: I think Fred Smith have a bodyguard.

4 MR. MIYAR: Now at one point you guys told us that
5 you knew that Fred Smith had a house surrounded by
6 water and the best way to get him was through the
7 water. Did your people in Freeport tell you that?

8 TOGGIE: Someone in Freeport tell Bobo that, yeah.

9 MR. DIPAOLO: They told Bobo that?

10 TOGGIE: Yeah.

11 MR. DIPAOLO: Said the best way to get to his
12 house would be by water?

13 TOGGIE: Yeah.

14 MR. MIYAR: So back to the question of motivation.
15 Why did Peter Nygard in your opinion and your personal
16 experience want Fred Smith killed?

17 TOGGIE: He want Fred Smith get killed more than
18 Mallis. Fred Smith's the worst one of all.

19 MR. DIPAOLO: The worst one of all?

20 TOGGIE: Uh-huh. Fred Smith and Louis Bacon is
21 the worst of all.

22 MR. DIPAOLO: Because he's a pain in his ass?

23 TOGGIE: Yeah, he's a pain in his ass. He told us
24 if we can get Fred Smith, anything we ask him for he'll
25 give us.

1 MR. MIYAR: And when did he tell you that and
2 where?

3 TOGGIE: He tell us that in Nygard Cay, too.

4 MR. MIYAR: At his residence?

5 TOGGIE: Yeah.

6 MR. MIYAR: And was anybody else present to hear
7 that?

8 TOGGIE: Only Leo, Leo Thurston.

9 MR. MIYAR: So all this discussion was during one
10 discussion that you had with him?

11 TOGGIE: Yeah, the first set.

12 MR. DIPAOLO: Okay. So Leo overheard this
13 discussion as well about Fred?

14 TOGGIE: Yeah.

15 MR. MIYAR: Did you guys conduct any surveillances
16 like with Pericles regarding Fred Smith?

17 TOGGIE: We started but we couldn't find Fred
18 Smith because he's from Freeport. So we had someone in
19 Freeport looking to see if he could catch up with Fred
20 Smith.

21 MR. DIPAOLO: Did you ever know of Fred to be over
22 in Nassau working as an attorney? Did you ever find
23 out that he was ever over there?

24 TOGGIE: A couple times Fred Smith been here but
25 we'd see him, we'd catch him, we saw him in the papers.

1 He'd be at like a function or something like that. And
2 by the time we'd get to see him was the day after when
3 he's in the newspaper.

4 MR. DIPAOLO: Right.

5 TOGGIE: So we couldn't catch up with us. It's
6 hard for us to catch up with him.

7 MR. RIVAS: So you'd never seen him in Nassau?

8 TOGGIE: No, not face to face.

9 MR. DIPAOLO: Okay. And you didn't know he was
10 there until afterwards when you saw the paper?

11 TOGGIE: Afterwards, yeah.

12 MR. DIPAOLO: So he was a little hard to get to?

13 TOGGIE: Yeah.

14 MR. MIYAR: And Nygard was going to pay you a
15 large sum of money if you were able to get Fred?

16 TOGGIE: Trust me. Yeah.

17 MR. MIYAR: Do you know the amount?

18 TOGGIE: No, he never said the amount. He said
19 it's a large lump sum.

20 MR. MIYAR: Now there was another incident
21 involving Fred Smith that you and Bobo were not
22 involved in. That was when his car was basically
23 attacked?

24 TOGGIE: Yeah.

25 MR. MIYAR: And he fled the scene. Can you tell

1 us about that from what you know?

2 TOGGIE: I don't really -- I don't really know
3 about that one. I don't really -- that's before our
4 time.

5 MR. MIYAR: But have you heard anything on the
6 street though?

7 TOGGIE: I mean I heard but I don't know what the
8 situation is with that. That's before my time.

9 MR. DIPAOLO: That's before you met Nygard?

10 TOGGIE: Yeah.

11 MR. DIPAOLO: Okay.

12 MR. MIYAR: But was that directed by Peter Nygard
13 also?

14 TOGGIE: Yeah. So I heard, yeah.

15 MR. DIPAOLO: Do you know who he directed to do
16 that?

17 TOGGIE: No, I don't know. He never tell us who
18 he had do it.

19 MR. DIPAOLO: Louis Bacon obviously was one of his
20 main targets?

21 TOGGIE: That's the biggest. That's the biggest
22 target.

23 MR. DIPAOLO: That's the grand prize; right?

24 TOGGIE: That's still the target.

25 MR. DIPAOLO: Yeah. Obviously the reasons were,

1 you know, he's a pain in the ass but they were
2 neighbors and they were having disputes?

3 TOGGIE: Yeah.

4 MR. DIPAOLO: Correct? And do you know did Nygard
5 specifically tell you other than that?

6 TOGGIE: Yeah, he tell us. Every time he tell us.
7 But only he stopped telling us up and when he know we
8 cool with you guys, we talk to you guys. So that's
9 when. If he didn't -- if he didn't know you guys
10 before we did the record, you'd hear everything from
11 him, man.

12 MR. DIPAOLO: Right. You guys would have been
13 recording. We would have had a recording about it.

14 TOGGIE: You would have had a recording.

15 MR. RIVAS: So early '14 until we met you last
16 year?

17 TOGGIE: Yeah.

18 MR. RIVAS: -- there's a lot of contact?

19 TOGGIE: Yeah.

20 MR. RIVAS: A lot of conversations?

21 TOGGIE: Yeah.

22 MR. RIVAS: Then once he found out you met with
23 us, then --

24 TOGGIE: He backed off on saying that.

25 MR. RIVAS: He backed off?

1 TOGGIE: Because plenty of time if he ask, he's
2 still saying -- we're still telling him, saying we'll
3 go kill him and all them things. You understand? But
4 he's very careful now.

5 MR. RIVAS: And why did he want him?

6 TOGGIE: He said -- he said, that's the real pain
7 in his ass.

8 MR. RIVAS: That's the real pain in his ass?

9 TOGGIE: He really, really want him dead. The
10 last time that we told him, say we're ready to kill
11 him, he say, if you kill him, they're gonna come and
12 lock him up.

13 MR. DIPAOLO: That's when you got the recorded
14 conversation in the car?

15 TOGGIE: Yeah. Oh, yeah.

16 MR. DIPAOLO: When he said that?

17 TOGGIE: Yeah.

18 MR. DIPAOLO: You were showing him the pictures --

19 TOGGIE: Oh, yeah.

20 MR. DIPAOLO: -- of Bacon at that time; correct?

21 TOGGIE: Yeah.

22 MR. DIPAOLO: Okay. So then other than those
23 couple conversations afterwards and you showing him the
24 pictures of Bacon, kind of indicated to him that you
25 could possibly take care of him up in New York?

1 TOGGIE: New York, yeah.

2 MR. DIPAOLO: There was really no other
3 opportunity for you to do anything?

4 TOGGIE: No.

5 MR. DIPAOLO: Because Louis Bacon hasn't been
6 around; is that correct?

7 TOGGIE: Yeah, that's correct.

8 MR. DIPAOLO: Okay.

9 MR. MIYAR: And how did he want him killed?

10 TOGGIE: He don't care. He just want us to kill
11 him. Nygard don't care how you did it. And when we
12 kill him, anything we ask for, we will get from him,
13 anything.

14 MR. MIYAR: And that was also at his house?

15 TOGGIE: Yeah. He told us one time, both of us,
16 he told us one time, he say if we kill Louis Bacon
17 he'll build us two house so we can come when he'd be in
18 town.

19 THE COURT REPORTER: Can you say that again? I'm
20 sorry.

21 TOGGIE: He told us one time said if we could kill
22 Louis Bacon he will build us two house so we can come
23 when he's in town.

24 MR. DIPAOLO: He'll build you two houses?

25 TOGGIE: Yeah.

1 MR. DIPAOLO: On Lyford Cay?

2 TOGGIE: He didn't say Lyford Cay. He said he'll
3 build us two house.

4 MR. DIPAOLO: I thought maybe you would be his
5 neighbor then.

6 TOGGIE: He ain't gonna put us on Lyford Cay.

7 MR. DIPAOLO: All right. The only other person on
8 this hit list was this Neil --

9 TOGGIE: Hartley.

10 MR. DIPAOLO: -- Hartnell?

11 TOGGIE: Hartnell, yeah. From the Tribune.

12 MR. DIPAOLO: The Tribune reporter?

13 TOGGIE: Yeah.

14 MR. DIPAOLO: And we discussed briefly last time
15 too that Hartnell wasn't writing any very nice things
16 about Nygard?

17 TOGGIE: Nygard, yeah. Nygard he send us. That's
18 before we went to the Tribune. And that's when we
19 hired a private investigator to find Hartley for us.
20 He gave us a picture of --

21 MR. RIVAS: Who did you hire?

22 TOGGIE: A fellow named Dodd.

23 MR. RIVAS: Darden?

24 TOGGIE: Dodd.

25 MR. RIVAS: Like D-O-D-D Dodd?

1 TOGGIE: Yeah, Dodd. Yeah.

2 MR. DIPAOLO: Do you know his first name?

3 TOGGIE: No, I don't know his first name. I know
4 he's ex-police, too.

5 MR. RIVAS: Oh, okay.

6 MR. DIPAOLO: Dodd.

7 MR. RIVAS: You guys hired him?

8 TOGGIE: Yeah, we hired him. We paid him \$800.
9 We got \$10,000 from Nygard and we paid him \$800 so
10 that -- just to find --

11 MR. DIPAOLO: Hartnell.

12 TOGGIE: Hartnell.

13 MR. DIPAOLO: And he found him?

14 TOGGIE: Yeah, he located him.

15 MR. DIPAOLO: Where did he find him, his house?

16 TOGGIE: No, he find him in the office working.
17 He take pictures of the business and his car and he get
18 us the pictures.

19 MR. DIPAOLO: Of his car?

20 TOGGIE: Yeah.

21 MR. DIPAOLO: Where was his car, was his car at
22 the Tribune?

23 TOGGIE: The Tribune, yeah.

24 MR. DIPAOLO: Okay. So now you knew what his car
25 looked like?

1 TOGGIE: Yeah. But I call him. I called him and
2 he didn't answer. And I leave a voice message on his
3 phone. I tell him I would kill him and his family.

4 MR. MIYAR: Do you recall what phone number you
5 called him on?

6 TOGGIE: I called his work, the Tribune phone
7 number, and I leave a voice message because he didn't
8 answer. And I told him if he fuck with Mr. -- if he
9 fuck with my boss, I'll kill him and his family.

10 MR. MIYAR: And do you recall when that was
11 approximately, date?

12 TOGGIE: After the march.

13 MR. DIPAOLO: After the march?

14 TOGGIE: Yeah. That was after the march for
15 Mr. Nygard. I can't remember exactly the date.

16 MR. DIPAOLO: Did you ever hear anything as a
17 result of that threat? Did he --

18 TOGGIE: No, I never heard nothing.

19 MR. DIPAOLO: Never heard nothing back?

20 TOGGIE: No.

21 MR. MIYAR: And do you recall what phone number
22 you used to call him? Did you use a cell phone?

23 TOGGIE: Yes, a cell phone. I buy a chip, use it,
24 and call him. And I break the chip up.

25 MR. MIYAR: Okay.

1 TOGGIE: And the next one like him, Michael Major.
2 Michael Major, Administrative Works.

3 MR. DIPAOLO: All right. Okay. So we'll get back
4 to him. We'll talk about him next. All right. So the
5 hit list was Louis Bacon, Fred Smith, Pericles
6 Mallis --

7 MR. RIVAS: Neil.

8 MR. DIPAOLO: -- and Neil Hartnell?

9 TOGGIE: Yeah.

10 MR. DIPAOLO: And then the thing that you did for
11 Hartnell is that you left a threatening message on his
12 work phone number?

13 TOGGIE: Yeah.

14 MR. MIYAR: And also you were able to hire a
15 private investigator who took photographs of the car
16 and then you found out where he lived?

17 TOGGIE: No, we never could find where he lived.
18 We found out about him, his picture. We had
19 everything.

20 MR. RIVAS: So Dodd only did the one thing, got
21 paid \$800 and that was it?

22 TOGGIE: Yeah. That's all he want to do.

23 MR. MIYAR: And to --

24 TOGGIE: The reason why we didn't carry it out
25 because Nygard -- because we told him to come home with

1 some more money first. And he keep on playing around,
2 playing around. He's saying he want us to do the job
3 first. You understand? But then he wasn't in town.
4 So we said we can't do the job if he wasn't in town.

5 MR. MIYAR: Did he pay you \$20,000 for this?

6 TOGGIE: Yeah, \$20,000.

7 MR. MIYAR: And that was split between --

8 TOGGIE: Ten a piece, yeah.

9 MR. MIYAR: Okay. And did Hartnell stop writing
10 negative articles?

11 TOGGIE: Nygard said he stopped writing.

12 MR. DIPAOLO: So you were effective.

13 TOGGIE: Nygard told you, it's a good thing you
14 guys did that shit. He stop writing that shit about
15 me.

16 MR. MIYAR: So, again, you reported back to him
17 and told him --

18 TOGGIE: Yeah.

19 MR. MIYAR: -- this was done and the articles
20 stopped?

21 TOGGIE: Yeah.

22 MR. MIYAR: And when he paid you \$20,000, where
23 were you, where did he pay you?

24 TOGGIE: He paid us in the car.

25 MR. MIYAR: What car?

1 TOGGIE: In Leo's Jeep. Leo Thurston's Jeep.
2 MR. DIPAOLO: The bodyguard.
3 TOGGIE: The bodyguard.
4 MR. MIYAR: Was it cash?
5 TOGGIE: Yeah, cash. US cash.
6 MR. DIPAOLO: US cash?
7 TOGGIE: Uh-huh.
8 MR. MIYAR: And where was the car located when he
9 paid you?
10 TOGGIE: By the Fresh Market.
11 MR. MIYAR: Fish or Fresh?
12 MR. RIVAS: Fresh.
13 TOGGIE: Fresh Market.
14 MR. MIYAR: And he was happy with your job?
15 TOGGIE: Yeah, he was happy.
16 MR. MIYAR: Do you recall exactly what he said
17 when he paid you?
18 TOGGIE: He tell us, good job, Twins.
19 MR. RIVAS: Good job.
20 MR. DIPAOLO: Good job, Twins?
21 TOGGIE: Yeah.
22 MR. DIPAOLO: He calls you Twins, too?
23 TOGGIE: He calls us Twins, too. The first time
24 when we found out that he was calling us Twins it
25 surprised us.

1 MR. DIPAOLO: We call you Twins, too.
2 TOGGIE: Yeah.
3 MR. DIPAOLO: It's a good nickname for you guys.
4 (Whereupon, the statement was concluded at 4:40
5 P.M.)
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CERTIFICATE

STATE OF FLORIDA)

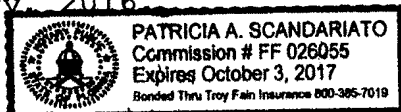
COUNTY OF MIAMI-DADE)

I, PATRICIA A. SCANDARIATO, Registered Professional Reporter, certify that I was authorized to and did stenographically report the sworn statement of LIVINGSTON BULLARD, and that the transcript is a true and complete record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, counsel or attorney of either party, nor employed by any of the parties in this cause, or otherwise interested in the event of this action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of January, 2016.




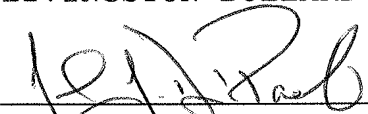
Court Reporter and Notary

Patricia A. Scandariato
 PATRICIA A. SCANDARIATO
 Public, State of Florida

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I, LIVINGSTON BULLARD, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on January 24, 2016.


LIVINGSTON BULLARD


Witness


Witness

AFFIDAVIT OF NEIL HARTNELL

I, Neil Hartnell, of *the eastern district of the island of New Providence in the Commonwealth of the Bahamas* make oath and say as follows:

1. I depose hereto from my personal knowledge unless otherwise stated, and where otherwise stated, I set out the grounds and sources of my information, which I verily believe to be true.

2. I am the Business Editor of The Tribune newspaper based in Nassau, The Bahamas. I have been in this role since December 15, 1999. Prior to this I was employed at Miller Freeman UK, one of the UK's largest trade publishers, as News Editor for its sporting goods magazine, SGB UK. As part of my role as Business Editor of The Tribune I have authored and edited a large number of articles on a wide variety of newsworthy topics, individuals and companies.

3. Mr Nygard is one of the wealthiest residents of The Bahamas. He is often embroiled in controversial litigation involving the Government of The Bahamas, currently formed by the Progressive Liberal Party (PLP). According to reports attributable to Mr. Nygard he is a significant financial supporter of the PLP. Given such high profile and the issues in the litigation, Mr Nygard and his activities are newsworthy and I have edited and authored a number of articles in relation to Mr Nygard.

Death threat

4. A message threatening me with physical harm and death was left on my voicemail at The Tribune in early 2015. The caller was male and clearly Bahamian.

5. The voicemail has since been deleted but I recall that it began with the line: "Stop writing s*** about my boss!"

6. The caller, lacing his message regularly with profanities, threatened to kill me that week, claiming he knew the car I drove and where I lived. He said I "lived on Eastern Road."

7. Nothing happened subsequent to the voice mail being left. Both the Tribune's Owner, Eileen Carron, and Managing Editor, David Chappell, are aware of the voicemail.

Sworn hereto on New Providence)

This 8th of

March, 2016)

N.S. Hurley

Before Me,

Martin A. Lundy
Notary Public



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SWORN STATEMENT

1111 South Royal Poinciana Boulevard
Miami Springs, Florida
January 24, 2016
4:40 P.M.

APPEARANCES:

By: JOHN DIPAOLO.

By: JORGE MIYAR

By: R. SCOTT RIVAS

SWORN STATEMENT

OF

LIVINGSTON BULLARD A/K/A TOGGIE

1 -----
2 Thereupon:

3 LIVINGSTON BULLARD

4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. DIPAOLO: So when we spoke last time you told
8 us when you first met Nygard at his home on Lyford Cay
9 that one of the first things that he discussed with
10 you, the first jobs he wanted you to do, was to burn
11 down this girl's business?

12 TOGGIE: Yeah.

13 MR. DIPAOLO: That you identified her name as you
14 know her as Sam?

15 TOGGIE: Sam, yeah.

16 MR. DIPAOLO: Right? And the only thing you knew
17 about Sam is that she owns a hair and clothing company?

18 TOGGIE: Shop, yeah.

19 MR. DIPAOLO: Where is that located?

20 TOGGIE: On Wolf Road.

21 MR. DIPAOLO: I'm sorry?

22 TOGGIE: On Wolf Road.

23 MR. DIPAOLO: Wolford Road?

24 TOGGIE: Yeah, Wolf Road.

25 MR. DIPAOLO: Wolf Road?

1 TOGGIE: Yeah.

2 MR. DIPAOLO: W-O-L-F Wolf Road?

3 TOGGIE: Yeah, Wolf Road.

4 MR. DIPAOLO: And let's go over a little bit again
5 to what their relationship was. That was his
6 girlfriend?

7 TOGGIE: That was his girlfriend, yeah. And so he
8 told us that she tried to put rape on him so she went
9 to Pericles Mallis' office.

10 MR. DIPAOLO: So she went to Pericles --

11 TOGGIE: Mallis' office.

12 MR. DIPAOLO: To report that?

13 TOGGIE: And tell Pericles Mallis -- Pericles
14 Mallis about working for Louis Bacon.

15 MR. DIPAOLO: Her working for Louis Bacon?

16 TOGGIE: Yeah, to try to fuck his name up and try
17 to jail him.

18 MR. DIPAOLO: So she wanted to go over and work
19 for Bacon?

20 TOGGIE: Yeah.

21 MR. DIPAOLO: To fuck up Nygard?

22 TOGGIE: Yeah.

23 MR. DIPAOLO: Because of what she alleges that he
24 did to her?

25 TOGGIE: He done, yeah.

1 MR. DIPAOLO: And do you know whatever happened
2 with that?

3 TOGGIE: He said she asked him for a million
4 dollars.

5 MR. DIPAOLO: Bacon?

6 TOGGIE: No, the lady asked Nygard for a million
7 dollars or she can jail him.

8 MR. MIYAR: Because she was accusing him of raping
9 her?

10 MR. RIVAS: To shut up, she wouldn't say anything
11 if --

12 TOGGIE: If he would give her a million dollars.
13 Yeah, that's what he told us.

14 MR. DIPAOLO: What did Nygard say to that?

15 TOGGIE: He say no because he ain't have no money
16 to give her. So he ordered us to burn down her shop.

17 MR. MIYAR: And do you recall when that was, the
18 approximate month, year?

19 TOGGIE: That was 2014.

20 MR. DIPAOLO: That was before the demonstration?

21 TOGGIE: Let me see. I think it was after the
22 demonstration.

23 MR. DIPAOLO: After the demonstration?

24 TOGGIE: Yeah.

25 MR. MIYAR: So he specifically told you to burn it

1 down?

2 TOGGIE: Yeah.

3 MR. MIYAR: And where did he tell you that?

4 TOGGIE: He told us that -- where he told us that?

5 He told us that at Nygard Cay.

6 MR. MIYAR: So it's safe to say at his residence
7 again?

8 TOGGIE: At his residence, yeah.

9 MR. MIYAR: And was anybody present?

10 TOGGIE: Leo Thurston.

11 MR. RIVAS: He's always there.

12 MR. MIYAR: Did he give you any upfront money to
13 do the job?

14 TOGGIE: Yeah, he gave us \$10,000 a piece.

15 MR. MIYAR: Before the job was done?

16 TOGGIE: Yeah, before the job was done.

17 MR. MIYAR: Okay. Then how did you guys do the
18 job?

19 TOGGIE: We burned the shop down.

20 MR. MIYAR: Correct.

21 MR. RIVAS: Like gasoline?

22 TOGGIE: Yeah, we use gas. We use gas. We break
23 the window, break the glass window, we spread the gas
24 all over the shop and light a fire.

25 MR. RIVAS: Just like a match?

1 TOGGIE: Yeah, that made the whole thing a fire.

2 MR. RIVAS: You didn't light like a piece of
3 paper?

4 TOGGIE: Yeah. That's true. That's true. Yeah,
5 we light a paper. That's true.

6 MR. RIVAS: A match will --

7 TOGGIE: No, we light paper and we throw it in
8 there and the whole thing catch fire.

9 MR. DIPAOLO: You smashed a window, threw gasoline
10 all through there, and this was like cans of gasoline,
11 bottles of gasoline?

12 TOGGIE: Bottle of gasoline.

13 MR. DIPAOLO: Bottle of gasoline?

14 TOGGIE: Yeah.

15 MR. DIPAOLO: Like a glass bottle?

16 TOGGIE: No, it was a one-gallon bottle.

17 MR. DIPAOLO: Plastic jug?

18 TOGGIE: Yeah.

19 MR. DIPAOLO: Like a milk jug?

20 TOGGIE: No, it's a water, one-gallon water jug.

21 MR. DIPAOLO: One-gallon water jug?

22 TOGGIE: Yeah.

23 MR. DIPAOLO: And you filled it with gas?

24 TOGGIE: With gas, yeah.

25 MR. DIPAOLO: You went to the gas station and

1 filled it up?

2 TOGGIE: Yeah.

3 MR. MIYAR: And do you know what gas station?

4 TOGGIE: Oats Field. Right on Oats Field.

5 MR. MIYAR: Can you spell that?

6 TOGGIE: O-T -- how do you spell Oats Field?

7 MR. RIVAS: O-A-T-S Oats?

8 TOGGIE: Oats Field Road.

9 MR. DIPAOLO: Oats Field Road?

10 TOGGIE: Oats.

11 MR. DIPAOLO: Okay. What kind of gas station is
12 it?

13 TOGGIE: It's a Shell.

14 MR. DIPAOLO: It was a Shell?

15 TOGGIE: Yeah.

16 MR. DIPAOLO: Okay. So it was a Shell gas
17 station.

18 MR. MIYAR: What are the cross streets?

19 TOGGIE: Nassau Street and Oats Field.

20 MR. DIPAOLO: That's Nassau Street?

21 TOGGIE: That's Nassau Street. Yeah.

22 MR. MIYAR: About what time did you do this? What
23 if there were witnesses that saw this or how did you do
24 it?

25 TOGGIE: We do it after 2:00 in the morning.

1 MR. MIYAR: And did you drive there?

2 TOGGIE: Yeah, we drive there.

3 MR. DIPAOLO: You and Bobo?

4 TOGGIE: Yeah.

5 MR. DIPAOLO: Alone?

6 TOGGIE: In Bobo car, yeah.

7 MR. MIYAR: So then when you broke the window and
8 you threw the gallon jug of gasoline, you threw the
9 match, a match?

10 TOGGIE: Paper.

11 MR. DIPAOLO: Paper.

12 MR. RIVAS: The paper.

13 TOGGIE: And the whole thing just catch, yeah.

14 MR. RIVAS: Did you feel the heat or was it kind
15 of --

16 TOGGIE: Yeah, we feel the heat.

17 MR. RIVAS: It came faster than you expected?

18 TOGGIE: Uh-huh.

19 MR. DIPAOLO: Instant barbecue; huh?

20 TOGGIE: The next day when we come out when we
21 ride past the next morning we see it was burned down.

22 MR. DIPAOLO: A lot of damage?

23 TOGGIE: Yeah.

24 MR. RIVAS: Now did police or fire respond to it;
25 do you know?

1 TOGGIE: We don't know. When we light the fire
2 we're gone, we run.

3 MR. RIVAS: Was there any publicity, was there an
4 article?

5 TOGGIE: You know what, no, there's no publicity
6 because I don't know if they know where it come from.
7 That's why. You understand? When we asked her how is
8 her business like a couple months, like a month later,
9 he said, how is the business? You understand? And she
10 end up calling him saying she'll come to his party.
11 You understand? So he asked her how is the business
12 and she explained to him what happened.

13 MR. DIPAOLO: Right.

14 TOGGIE: You understand? He playing fool like he
15 didn't know what happen.

16 MR. DIPAOLO: Right.

17 TOGGIE: But he had us in the Jeep and he had her
18 on speaker phone. You understand?

19 MR. RIVAS: What did she say?

20 TOGGIE: She say someone burned down her shop but
21 she don't know who burned it down. You understand? He
22 said, oh, that's bad, man.

23 MR. DIPAOLO: Nice.

24 TOGGIE: I'll never forget that day.

25 MR. MIYAR: After that was done and you reported

1 back to him, did he pay you anything else?

2 TOGGIE: Yeah, he gave us \$10,000, too.

3 MR. MIYAR: And where did he give you the \$10,000?

4 TOGGIE: At the Fresh Market.

5 MR. MIYAR: In?

6 TOGGIE: Bahamian cash. He give us in Bahamian
7 cash. He lied to us that he scrape up the money.

8 MR. MIYAR: In a car?

9 TOGGIE: Yeah. In a car, yeah.

10 MR. MIYAR: And was he alone?

11 TOGGIE: Him and Leo Thurston.

12 MR. MIYAR: And did he say anything specifically
13 about it?

14 TOGGIE: He said, good job. He was telling me --
15 Leo told him so he went to see it, too, Leo, because he
16 must have told Leo to go see it, what happened. And
17 Leo tell him say he saw the job, it was a good job was
18 done.

19 MR. DIPAOLO: Did she ever open up her business
20 again after that?

21 TOGGIE: Yeah. I think she opened up after it,
22 yeah.

23 MR. DIPAOLO: So she rebuilt it?

24 TOGGIE: I think she open it now.

25 MR. DIPAOLO: So it's back open again?

1 TOGGIE: Yeah.

2 MR. MIYAR: And do you recall the name of the
3 business?

4 TOGGIE: Oh, I never looked at the name. I only
5 know it's a clothes and hair shop.

6 MR. DIPAOLO: Pericles is familiar with her
7 because she talked to Pericles about this?

8 TOGGIE: Yeah, that's what Nygard told us.

9 MR. DIPAOLO: Right. Okay.

10 MR. MIYAR: And approximately when did Peter
11 Nygard pay you after the arson, when did he pay you?

12 TOGGIE: He paid us because he's off the island,
13 because he won't be on the island when it happen. Like
14 when he come back I think about two weeks later -- in
15 two weeks time when he come back and he paid us.

16 MR. MIYAR: And he told you specifically he did
17 not want to be on the island when this arson occurred?

18 TOGGIE: Yeah.

19 MR. MIYAR: When did he tell you that, did he tell
20 you that in person?

21 TOGGIE: Yeah. In person, yeah.

22 MR. MIYAR: Where?

23 TOGGIE: Right inside the Jeep.

24 MR. RIVAS: And I'll bet Leo was there?

25 TOGGIE: Yeah, Leo was there.

1 MR. MIYAR: One more thing. Excuse me. You said
2 her name was Sam but do you know her full name?

3 TOGGIE: No, I only know Sam, he only told us Sam.
4 He never gave us no other name.

5 MR. MIYAR: And then she never made any further
6 allegations of sexual assault against Peter Nygard
7 after that?

8 TOGGIE: We never hear nothing else after that so
9 I got to assume it was bullshit. That might have
10 scared her, too.

11 MR. DIPAOLO: I bet it did.

12 (Whereupon, the statement was concluded at 4:50

13 P.M.)
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CERTIFICATE

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I, PATRICIA A. SCANDARIATO, Registered Professional Reporter, certify that I was authorized to and did stenographically report the sworn statement of LIVINGSTON BULLARD, and that the transcript is a true and complete record of my stenographic notes.

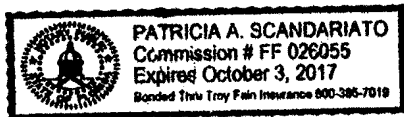
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of January, 2016.

Patricia A. Scandariato

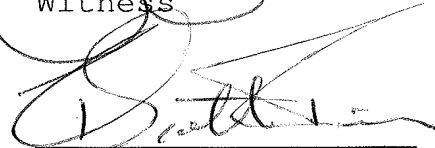
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Court Reporter and Notary Public, State of Florida



1 I, LIVINGSTON BULLARD, being first duly sworn,
2 do hereby acknowledge that I did read a true and
3 accurate copy of my statement taken on January 24, 2016.

4
5
6 
LIVINGSTON BULLARD

7
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9 Witness

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11 
12 Witness

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Fashion Tycoon Peter Nygård Paid \$10K To Make Scat Video To Go Away!

February 25th, 2014



- Text Messages & Video Confirm Fashion Finn's Infamous Feces Fetish -

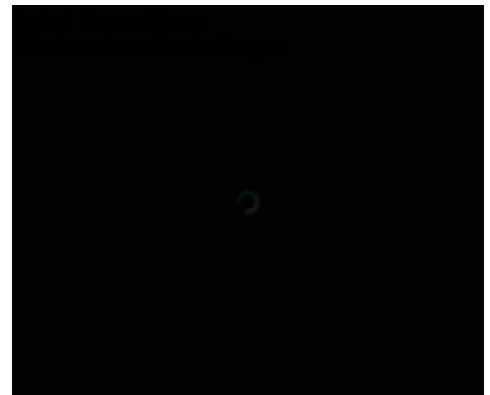
HSK Exclusive - It's been over two-years since we broke word of **Peter Nygård's infamous sexual fetishism for feces**. You'll recall... back in February 2012, HSK exclusively learned a pair of now-famous females — one former Baywatch blondie, and a Vogue Magazine iconic Black beauty — are not only ex-members of Nygård's reported harem, they're also said to have served the billionaire up with scat services!

"Pam was getting \$38,000 a month," a source previously revealed. "Beverly Johnson was getting sponsored by Peter too, but I don't know how much."

Now... we've got evidence proving the Canadian-based retail giant's freaky fetish for feces!!

"If you're not serious about your own reputation, I suggest you say so. I'm sure I can get Louis Bacon's lawyer to take a look at them.. deposit my money or they're out of my hands." -Tahzmoye Cunningham, to Peter Nygård

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WHO'S JACKY TALKING ABOUT ?

Who's Jacky Talking About? – February 24, 2014 Today's blind item was turned out at a young age by producer Mr. Collipark. Our 23-year-old blind item may now just be entering early manhood, but thanks to an ATL walk ...

Who's Jacky Talking About? – February 21, 2014 This west coast rapper is known to boss up and roll with G'd up goons. But back in the day.. he once took off like track star Usain Bolt and ...

Who's Jacky Talking About? – February 18, 2014 He may be a millionaire, but what many people may not know is his infamous Hollywood reputation for being a cheapskate. According to our tipster.. he treats his Black employees ...

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HSK has exclusively landed a text message exchange, between Nygård and a suspected recent harem member, confirming a scat-session surrounding Nygård; a pair of emails documenting a [bank wire](#) made by the Finnish fashion icon, "to make sure she erases all THAT... XXX (shit)... video"; and [images of](#) the woman said to be at the center of it all!

According to the set of 17 text messages (11 of them sent from Nygård's (310)***-**** cell [phone number](#)), on and about April 11, 2013, a female close to Nygård contacted him to give the billionaire "a heads up" after she apparently learned a woman (who the pair refer to as "Taz") "had some video" of Nygård — reportedly demanding "Taz" fulfill his feces fetish. It's an [event](#) stated to have led "Taz" to become enraged. In the text messages following, Nygård asks if the video involves "shit?". That's before he eludes to Jamaican people being "evil"; instructs the woman — who he notes "u brought her to me in the 1st place" — to contact "Taz"; delivers details to "pay her the 5K pay when u see her erasing ALL what she has (I'll send 10K today – 5 for Taz n 5 for u)"... and mentions "between u & I after this she [Taz] is history."

A source has revealed the identity of the woman at the center of the scandal. We're told.. "Taz" is short for Tahzmoye Cunningham, a reported Jamaican beauty queen, noted for previously crowned 'Miss Teen Jamaica' and 'Miss Teen Bahamas'. Though we can't tell you exactly how long Tahzmoye was part of Peter Nygård's infamous harem, she is confirmed to now be ousted from the "Hedon of a circle."



"So what's it gonna be Peter? And who is this third party you speak of? If it's someone I feel safe around I have no problem letting them erase all files AFTER I receive my money." -Taz

From our findings... it wouldn't have been until about six-months after the first text message was sent when Nygård is documented as ultimately opting to deliver, on November 4, 2013.

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As for the man mentioned in Taz's email to Nygård, Louis Bacon — he's said to be Nygård's former next door neighbor and longtime arch enemy. Ironically, reports reveal Nygård filed a lawsuit against the American [hedge fund](#) manager "for allegedly trying to ruin his reputation." That would explain why "Taz" chose to drop Bacon's name and cite Nygård's "reputation" within her message to him.

Peter Nygård's April 2013 text message exchange over Tahzmoye Cunningham's video documenting Nygård's infamous scat fetish:



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I have never watched BBW, RHOA, etc but all of these women just look off to me. I don't know,...

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[Arsenio Punks Tyrese... Packin' Prince March 5th!](#)

Prince is doing the most lately. I hope it works out well for him.

By: Scorpiess

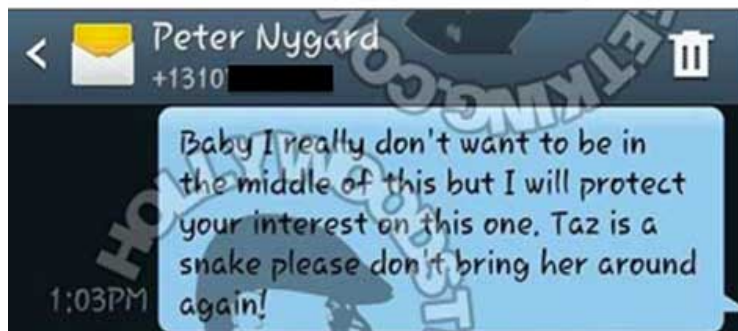
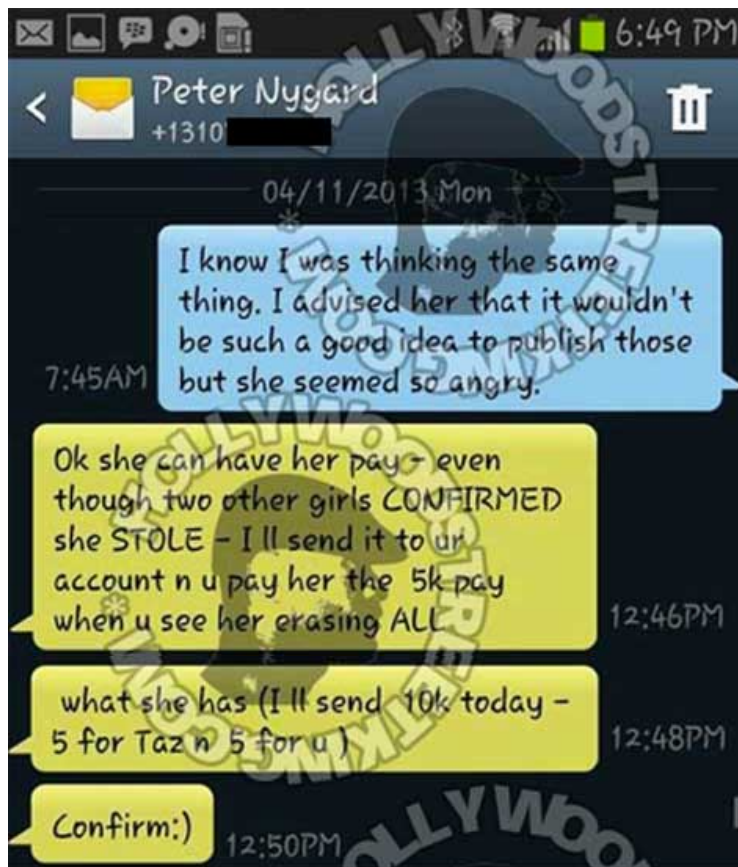
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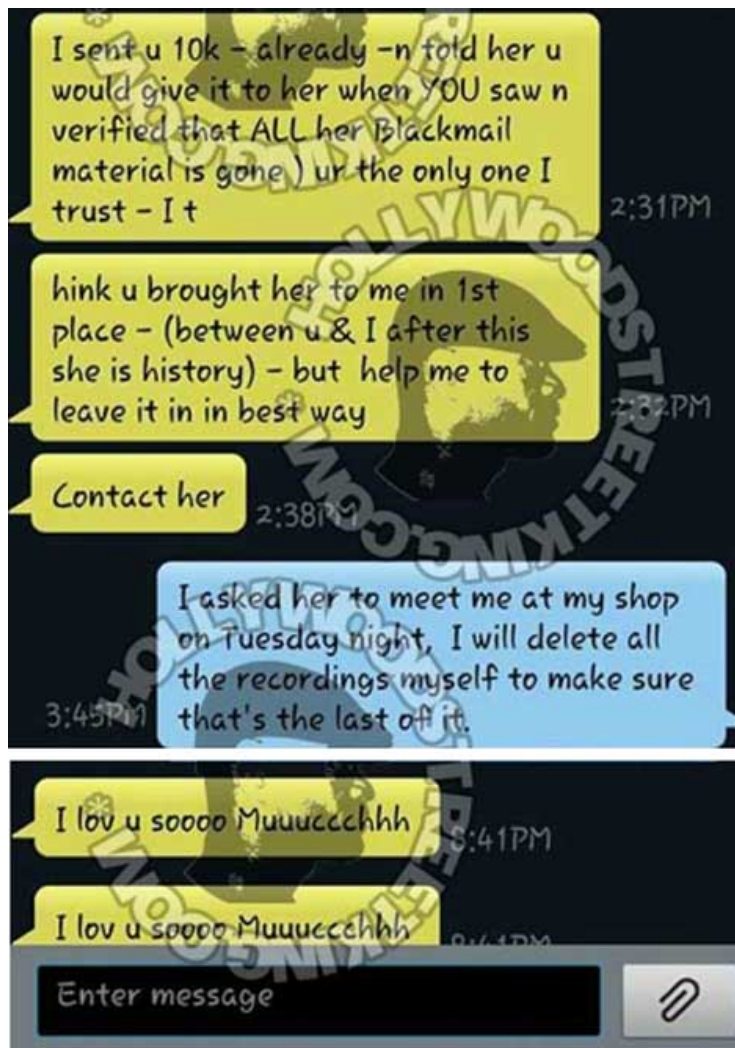
lie back

By: Scorpiess

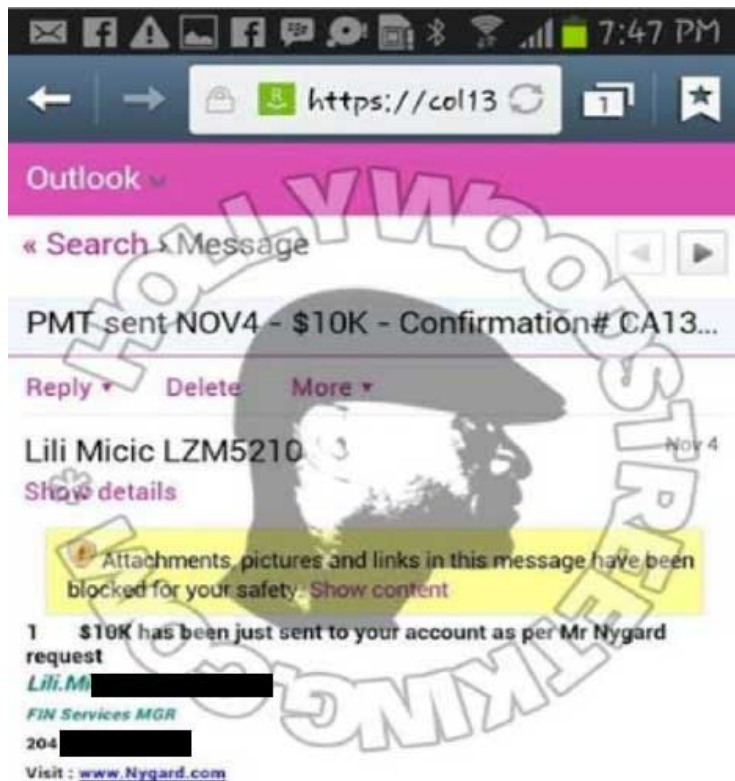
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typo in name





Confirmation of the Nov. 4, 2013 \$10K bank wire:



Cunningham's [final](#) email to Nygård, sent before the noted bank wire:

Peter Nygård PJN6000 Nov 4
[Show details](#)
Contact Philly Money has been sent

Peter Nygård [REDACTED]
Chairman [REDACTED]

Visit: www.Nygard.com
Sent from my Blackberry


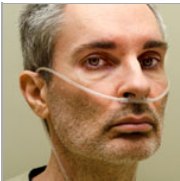


----- Original Message -----
From: tazhmoye cummings
[mailto:tazhmoye [REDACTED]]
Sent: Monday, November 04, 2013 10:39 AM
To: Peter Nygård PJN6000
Subject: MONDAY

So what's it going to be Peter? And who was this third party you speak of? If it's someone I feel safe around I have no problem letting them erase all files AFTER I receive my money. I don't plan to have this go on any longer, it's as simple as you depositing my money by the end of the day and all files be erased, which i think Wud be quite fair seeming that with such files I should of demanded way more. If your not serious about ur own reputation i suggest you say so. I'm sure I can get Louis Bacons lawyer to take a look at them, it's a very small island. It's Monday, deposit my money or there out of my hands.
Scotia #39410

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38 Responses to "Fashion Tycoon Peter Nygård Paid \$10K To Make Scat Video To Go Away!"

1. *Anonymous* | February 25th, 2014 at 09:45

These black girls who get down with these white freaks do not have my sympathy.

Bestiality, cropophilia, it is what the cave man do

[Reply]

Bella Reply:

February 25th, 2014 at 21:51

There are more Black men down with sexually deviant behavior than Black women. Cuckolds, men on Craigslist seeking out women who are into K9s, etc. The world is a lot more vast and a whole lot sicker than what is published on HSK.

[Reply]

2. *benji hamilton* | February 25th, 2014 at 09:53

If we assume this is true, in addition to being perverse, she's dense too!

You only got 5 stacks from an alleged billionaire??? While holding evidence of his dirt??? She obviously doesn't fear for her life 'cause she attempting to blackmail him, soooo why settle for \$5000? TMZ would have paid more than that.

And his racist a**..."she's evil-very Jamaican"...but HE that one with a fecal fetish? The mind of the white supremacist is beyond twisted.

[Reply]

Scorpiess Reply:

February 25th, 2014 at 12:32

LOL.

[Reply]

Josh Reply:

February 25th, 2014 at 12:38

That was not racist as Jamaican is a nationality. If he would have called her a black bitch, that would have been racist.

[Reply]

benji hamilton Reply:

February 25th, 2014 at 15:55

Semantics is the white supremacists greatest tool. Nowhere in the known univgerse is does the word "Jamaican" conjure up any imagery other than that of black person or black/african culture.

At least for now...

Splitting hairs on it being a "nationality" only preps us for their takeover of the island. Which they can if the give back our continent.

[Reply]

Anonymous Reply:

February 27th, 2014 at 02:14

What continent?

[Reply]

3. *Glittery Pink Heels* | February 25th, 2014 at 09:57

She had all that and she sold it for 5k? Cheap date for him, he's worth billions. Wonder how much he paid her to take a dump on his face or whatever. Disgusting. No amount of money could make this tempting. Wtf is wrong w these people? And I know Jamaicans. Her Bima is gone beat that ass

[Reply]

4. *Anonymous* | February 25th, 2014 at 11:59

If having a great deal of money makes one a sexual deviant.. I don't want it. Seems these people with money become bored with normal behavior and they need weird things in order to become excited.

[Reply]

Josh Reply:

February 25th, 2014 at 12:39

Their sick sexual ways may be what drove them to success in the first place, so they could do it all at will and attract or force anyone they wanted.

[Reply]

Rita Reply:

February 26th, 2014 at 04:36

I have learned that alot of these singers and entertainers in general are channeling demonic spirits that enable them. Denzel admitted that he called on spirits to help him in the movie Glory.

[Reply]

5. KEVIN B | February 25th, 2014 at 12:06

In Hollywood, eating feces and drinking other people's urine and cum is part of the sex rituals. If you want to be elevated in the industry you will do. This man is not the only one. They got rappers, singers, actors, politicians on dvd doing this. This is how they keep them in line.

[Reply]

Bella Reply:

February 25th, 2014 at 21:58

Truth. I had a person who has been featured on this site more than once ask me, when I told him I needed to use the bathroom, if I would pee on him. CRAZY. I wouldn't dream of it.

[Reply]

Matter Of Fact!! Reply:

February 25th, 2014 at 22:05

Truth. I know of a hard core rapper who likes it when men cum on his face. He gets off on that.

[Reply]

i-love-tea Reply:

February 26th, 2014 at 09:37

popular, or some douche no one cares about?

[Reply]

Matter Of Fact!! Reply:

February 26th, 2014 at 16:08

Popular...he has had major success. Do not ask me for his name because that would put the person who revealed this to me in danger. She is in the industry [behind the scene](#).

[Reply]

Cher Reply:

February 26th, 2014 at 21:05

Who

[Reply]

6. Josh | February 25th, 2014 at 12:40

Jamaicans always try to act like they are strong, but too many of them love the white man and will do anything for him. This is an example. This is why I don't fall for that "mighty Jamaican" BS.

[Reply]

Linda Reply:

February 25th, 2014 at 13:28

Oh i am so glad you posted that comment. Jamaicans are always trying to front like they are so above the human condition and that they will never get into things like this. Child please....homosexuals stay over in Jamaica just to get fucked by those guys. I should know because my White co-worker goes over there on a regular just for the sex. He love it over there for that reason alone. Homosexuality is huge in Jamaica. They get on my nerves with that BIG LIE that they don't play that over there. Spare me!!

[Reply]

7. WWDOnNMEDIA | February 25th, 2014 at 14:43

@jackyjasper I called @PeterNygard asked is it true u like Scat? He said #whoisthis "u got it all wrong" then hung up on me
@WWDOnNMEDIA

[Reply]

8. Tyrone | February 25th, 2014 at 16:01

A lot of rich whitemen have deviant sexual fantasies... Nothing New! This is the untold story of white male sexuality. Sistas see these men as easy marks, but, this ish is on another level.

Ty

[Reply]

Anonymous Reply:

February 25th, 2014 at 18:20

A lot of rich black men and rich Chinese men and rich Arab men have some pretty sick sexual fantasies too. When you are super rich and you've had it all thrown at you, you start to look for the strange.

That s not a racial thing.

If you don't think black men are subject to this tendency towards perversion, may I introduce you to Mr. Quincy Jones.

and stop signing your goddam name Ty. You look like a giant a hole.

[Reply]

9. ChopSuey | February 25th, 2014 at 16:26

He got turned out like the rest of them....Imagine going to an "estate" somewhere in the woods where everyone puts

hoods on & stands around as two children have sex with each other, (that's the intro entertainment btw) then watch as they blood sacrifice a woman on the alter & then drink her blood, urine & feces....this is some of how they get turned out by going to the rituals & once they leave the "estate", they are forever turned out & they can't find that type of stuff anywhere else but at the rituals, so they pursue it on their own....enter thirsty azz Jamaican beauty queen.

[Reply]

MissK Reply:

February 25th, 2014 at 22:58

How do you know this? Were you present at one of these so called rituals?

[Reply]

MissK Reply:

February 25th, 2014 at 23:13

This isn't limited to just rich white men..Its usually people who have all types of strange fetishes. These folks test the limits of sanity and cross the line of decency. It gets to the point where they have to do this to get off, because the regular and ordinary does nothing for them. They get into S&M, foot fetish, fisting, having morbidly obese women sit on them, sexing in a bath tub full of mashed potatoes and gravy..lol paying people to go to the bathroom on them, wild sh*t that surpasses the word kinky. While I think its rather disgusting..there is always someone out there willing to do something for the right price! This man has money to play, and I'm sure women willing to serve it up as nasty as he likes.. if the price is right. Sad but true. He really is crazy if he thinks that this woman hasn't already sent that video to someone else, or saved a copy of it.. She probably has a plan to black mail his azz continuously.

[Reply]

10. BayouBabe | February 25th, 2014 at 18:05

\$5000? I she stooooopid?

If this guy is really a billionaire, he would have paid several million to destroy videos of him eating SHIT! Vivid Porn House would have said millions:

WHITE BILLIONAIRE FASHION DESIGNER EATS BLACK WOMENS' SHIT

[Reply]

Bella Reply:

February 25th, 2014 at 21:54

That mf is cheap AND he can't spell. Tf is a 'vidio'? He got exactly what he paid for.

[Reply]

11. BayouBabe | February 25th, 2014 at 18:05

|s

[Reply]

12. BlackAnastasia | February 25th, 2014 at 19:34

Jamaicans are not from Ham either and they're not Africans. They're Israelites from the tribe of Benjamin who don't know it yet.

[Reply]

real african hebrew Reply:
February 26th, 2014 at 09:42

u are incorrect

[Reply]

13. Bella | February 25th, 2014 at 21:47

Peter's lacefront is laid for the gawds, though. Lol

[Reply]

14. Bella | February 25th, 2014 at 21:56

Whoever said the video should be sold to Vivid doesn't know Vivid's demographic. Steve Hirsch doesn't want that shit. Literally. There are laws prohibiting the sale of such filth. That's why Max Hardcore went to prison.

[Reply]

15. Wuluwulu | February 26th, 2014 at 10:16

Hearing what some women are doing to live the life gives me new respect for my 9-5. Sorry for those who are too afraid of work, or must keep up with the Jones' so they sell their dignity for a few dollars. Wish em well.

[Reply]

16. Scorpiess | February 26th, 2014 at 10:25

Well damn, since he hates Jamaicans I won't bother passing him my number now.

[Reply]

Scorpiess Reply:
February 27th, 2014 at 13:50

^^ that was humour

I would never.

[Reply]

17. *vivavida* | [February 26th, 2014 at 22:37](#)

all facts.... just ask model suelyn. he basically has his own personal brothel on venice beach with 3-5 20 something brown-skinned beauties. i went to a party there one sunday and had to dip once the mood began to shift... every bedroom has a lock where you have to enter a code to get into. i found that very odd.

[Reply]

18. *vivavida* | [February 26th, 2014 at 22:39](#)

btw... the party was filled with nothing but young (mostly black) models/ pretty girls. and all old white men! lol

[Reply]

19. *Tameka wells* | [February 27th, 2014 at 17:55](#)

Oh yeah how about all the suelyn medeiros sluts like her that is going to his pamper Artie's Ol peter had playboy at his house in the Bahamas heliport and all and had what was called the butt fudge sundae go figure eating Sundays out of asses

[Reply]

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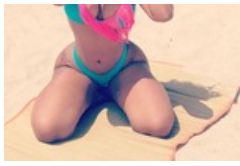
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This entry was posted on Tuesday, February 25th, 2014 at 11:46 and is filed under [HSK Exclusive](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can skip to the end and leave a response. Pinging is currently not allowed.

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Police Headquarters
Fire Services
P.O. Box N-458
Nassau, Bahamas

13th March 2014

Sgt 1444 McGregor reports

Ref: Structural Fire Wulff Road

Case # 1-14-023 986

On Thursday 13th March 2013 at around 2:01 am while at Police Headquarters I received information from PC 3055 Sands c/o Fire Control Room of a reported structural fire situated on Wulff Road near F.Y.P.

As a result of information received myself along with the Crew of Delta # 18 consisting of Cpl 2770 Ambrister, R/Cpl 530 Strachan, PC'S 2658 Weymms, 3028 Culmer and 3042 Kemp left Police Headquarters and proceeded to Wulff Road. We were later joined by the Crew of Delta # 14 consisting of Cpl 653 Smith, PC 1103 Williams and WPC 3030 Dailey.

At around 2:05 am same date we arrived at the aforementioned address and met the reported fire confined to a three (3) room single storey stone structure namely Rapunzel Beauty Supply Store. It was noted that the western window of the store was shattered and a seat of fire was at western section of the interior. The Fire Department Personnel used forcible entry to the front door to gain access to the interior of the structure. The fire was quickly brought under control and then extinguished. The aftermath left the building and its contents with extensive fire damages. The building is owned by Mr. Anthony McKinney c/o of his daughter Ms. Bernadette McKinney D.O.B 29/11/74 of Sunny Side Sub-Division ph# 424-0421 (cell) and occupied by Mr. Pedro Cleare D.O.B 12/11/62 of Bay Geranium and Guinep Street Pine wood Gardens ph# 392-2781 (hm), 436-1857 (cell) and Ms. Princess Cleare D.O.B 16/1/86 of Blue Hill Heights ph# 429-3493 (cell). Insurance coverage on the building is unknown. However the contents were not insured

While on the scene I interviewed Ms. Princess Cleare who indicated that she closed her business at around 6:00 pm on Wednesday 12th

March 2014. She stated that she couldn't say what might have caused the fire. And she was not aware if she had any enemies.

I also interviewed Mr. Pedro Cleare who indicated that he received information that the store was on fire. He proceeded and met the Fire Department Personnel already on the scene. He concluded that there were surveillance cameras situated on the building and across the street.

According to Ms. Bernadette McKinney who was also interviewed by me she received information from someone who at the time wished to be anonymous that there was an explosion before the window was shattered. She also pointed out the surveillance cameras what might have captured the events prior to the fire.

The surrounding area was checked and nothing unusual was found.

It was noted that the adjacent store namely Celebrity Boutique that is operated by Mrs. Christine Clare D.O.B 17/1/65 received no fire damages.

The cause of the fire is unknown. Investigations to be continue.

Sgt 1444 McGregor

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SWORN STATEMENT

1111 South Royal Poinciana Boulevard
Miami Springs, Florida
January 24, 2016
4:50 P.M.

APPEARANCES:

By: JOHN DIPAOLO.

By: JORGE MIYAR

By: R. SCOTT RIVAS

SWORN STATEMENT

OF

LIVINGSTON BULLARD A/K/A TOGGIE

1 -----
2 Thereupon:

3 LIVINGSTON BULLARD

4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. DIPAOLO: Now we talked about another case,
8 another person that Peter Nygard wanted you to firebomb
9 his car and that's CB Moss?

10 TOGGIE: Oh, yeah.

11 MR. DIPAOLO: CB Moss was a pastor; correct?

12 TOGGIE: Yeah.

13 MR. DIPAOLO: And tell us again why Peter Nygard
14 had it in for CB Moss?

15 TOGGIE: CB Moss is someone who used to be
16 fighting for Clifton Pier. He said he feel Bahamians
17 should own Clifton Pier.

18 MR. DIPAOLO: Clifton Pier?

19 TOGGIE: Yeah, Clifton Pier.

20 MR. DIPAOLO: And Clifton Pier is what, it's a
21 beach?

22 TOGGIE: Yeah.

23 MR. DIPAOLO: A beach area?

24 TOGGIE: A beach area, yeah.

25 MR. DIPAOLO: Okay. So why did that upset Nygard?

1 TOGGIE: I guess Nygard want to own Clifton Pier,
2 too.

3 MR. DIPAOLO: He wanted to own Clifton Pier?

4 TOGGIE: Yeah.

5 MR. DIPAOLO: Okay. So they had -- he didn't like
6 CB Moss because he had this disagreement as to who
7 should own Clifton Pier?

8 TOGGIE: Yeah.

9 MR. DIPAOLO: Was there anything else?

10 TOGGIE: And he told us CB Moss work for Mr. Louis
11 Bacon.

12 MR. DIPAOLO: He works for Louis Bacon?

13 TOGGIE: Yeah.

14 MR. DIPAOLO: Okay. So that alone didn't --

15 TOGGIE: He said Louis Bacon pay CB Moss \$75,000 a
16 year.

17 MR. DIPAOLO: To do?

18 TOGGIE: To damage his name.

19 MR. DIPAOLO: To damage his name?

20 TOGGIE: Yeah.

21 MR. MIYAR: So then Mr. Nygard asked you to burn
22 down his car. Can you tell us again where he told you
23 this and what exactly did he tell you?

24 TOGGIE: He told us CB Moss is a serious pain in
25 his ass and he needs his mouth to shut up. The only

1 way he could get his mouth shut up if we burn down his
2 car to send him a message. You understand?

3 So we sent him a message by burning down his car.
4 We was waiting for him to come outside. We didn't want
5 to kill him because he didn't order us to kill him but
6 he say, just send him a message. So we was waiting for
7 him to come outside because we gonna spend some shots
8 at him.

9 THE COURT REPORTER: Some what? Sorry.

10 TOGGIE: We was waiting for him to come outside so
11 we could bust some gunshot at him.

12 MR. DIPAOLO: Fire some gunshots at him?

13 TOGGIE: Yeah.

14 MR. DIPAOLO: Not necessarily hit him but just
15 scare him?

16 TOGGIE: Yeah, scare him. Yeah. So we just burn
17 down the car.

18 MR. DIPAOLO: Which was at his house at the time?

19 TOGGIE: At his house, yeah.

20 MR. DIPAOLO: Do you remember where his house is?

21 TOGGIE: His house out east.

22 MR. DIPAOLO: Out east?

23 TOGGIE: Yeah.

24 MR. DIPAOLO: And you found his house. How did
25 you find his house?

1 TOGGIE: Someone showed us his house.

2 MR. DIPAOLO: A friend knew him?

3 TOGGIE: A friend of ours follow him home and
4 because we didn't want to follow him home and burn down
5 the car. So we sent someone to follow him home.

6 MR. DIPAOLO: Okay.

7 TOGGIE: And he followed him home and he told us
8 where he live.

9 MR. DIPAOLO: Okay. So then you and Bobo later
10 went out there the same day, next day?

11 TOGGIE: That's the next night.

12 MR. DIPAOLO: The next night?

13 TOGGIE: Uh-huh.

14 MR. MIYAR: And when approximately was this?

15 MR. DIPAOLO: Before or after the first
16 demonstration?

17 TOGGIE: I think that's -- that's before the
18 demonstration.

19 MR. DIPAOLO: Okay. We are we talking probably
20 Spring 2014?

21 TOGGIE: Yeah, that's before the demonstration.

22 MR. MIYAR: And what type of car was it?

23 TOGGIE: His car is a Corolla, a white Corolla.
24 And it has Crime Stop on it.

25 MR. DIPAOLO: Crime Stop?

1 TOGGIE: Yeah, on the car is Crime Stop.

2 MR. MIYAR: Okay. And then what time,
3 approximately what time, did you guys go burn down the
4 car?

5 TOGGIE: Say at 4:00 in the morning.

6 MR. MIYAR: And can you explain like the last one,
7 you know, did you get gas? Can you explain that?

8 TOGGIE: We get gas. We get \$5 worth of gas, put
9 it in the jug and sprinkle it on the car and light the
10 car.

11 MR. MIYAR: How did you light the car?

12 TOGGIE: We just use the paper and throw it on the
13 car and run, run away. We just -- we stay for a couple
14 minutes to wait for someone to come outside.

15 MR. DIPAOLO: So you could fire shots at him?

16 TOGGIE: Yeah.

17 MR. RIVAS: Did he?

18 MR. DIPAOLO: He didn't come out?

19 TOGGIE: No, he didn't come out.

20 MR. DIPAOLO: So you didn't fire any shots?

21 TOGGIE: No.

22 MR. MIYAR: And where did you get that gasoline?

23 TOGGIE: We get it from Oats Field, Nassau Street.

24 MR. DIPAOLO: Nassau Street.

25 TOGGIE: The same place.

1 MR. MIYAR: The same place.
2 MR. DIPAOLO: Shell Gas Station?
3 TOGGIE: Shell Gas Station.
4 MR. MIYAR: And did you report back to Mr. Nygard?
5 TOGGIE: Yeah, we report back to Mr. Nygard.
6 MR. MIYAR: Approximately when?
7 TOGGIE: The next day.
8 MR. MIYAR: Did he meet you personally or?
9 TOGGIE: Personally. He meet us personally.
10 MR. MIYAR: Where did you meet?
11 TOGGIE: We meet -- where did we meet? We meet
12 inside it's a gated community inside Coral Harbor.
13 MR. MIYAR: Which harbor?
14 TOGGIE: Coral Harbor.
15 MR. DIPAOLO: Coral Harbor?
16 TOGGIE: Yeah.
17 MR. MIYAR: Did you meet in his car or your car?
18 TOGGIE: In Leo's Jeep.
19 MR. DIPAOLO: And it was inside a gated community?
20 TOGGIE: Yeah.
21 MR. DIPAOLO: How did you get inside the gated
22 community?
23 TOGGIE: I don't know if he owned it or whatever
24 but we parked in front of it and Leo pick us up in the
25 Jeep.

1 MR. DIPAOLO: Okay.

2 MR. MIYAR: And what did he pay you?

3 TOGGIE: He paid us \$20,000.

4 MR. MIYAR: In US or Bahamian currency?

5 TOGGIE: Bahamian.

6 MR. MIYAR: And what did he tell you about the
7 job?

8 TOGGIE: He says it's a good job. He said he
9 liked that job.

10 MR. RIVAS: Did that incident get any publicity?

11 TOGGIE: Oh, yeah, plenty of publicity.

12 MR. DIPAOLO: Did it?

13 TOGGIE: Plenty, plenty.

14 MR. RIVAS: Tribune?

15 TOGGIE: Tribune.

16 MR. RIVAS: Television?

17 TOGGIE: Everything.

18 MR. RIVAS: Okay.

19 TOGGIE: It start blowing up big, big, big because
20 they want to know where it come from. You understand?

21 MR. DIPAOLO: It came from Nygard?

22 TOGGIE: Yeah. CB Moss knows where it came from.

23 MR. DIPAOLO: Now did it do a lot of damage to the
24 car?

25 TOGGIE: It half burnt out.

1 MR. DIPAOLO: Half burned it?

2 TOGGIE: Yeah.

3 MR. MIYAR: Did the police investigate and take
4 photographs; do you know?

5 TOGGIE: Yeah, the police too, all of that,
6 because it was in the papers and everything, too.

7 MR. MIYAR: So they must have a police report?

8 TOGGIE: Yeah.

9 MR. MIYAR: And pictures of the car? Okay.

10 MR. DIPAOLO: Did CB Moss later find out that you
11 guys did it?

12 TOGGIE: I think so. I'm not sure but I have
13 strong feelings.

14 MR. DIPAOLO: Yeah? Did he ever talk to you about
15 it?

16 TOGGIE: No. But we talk with CB Moss but we
17 never talk to him concerning that because CB Moss -- CB
18 Moss apparently like all of us grow up around CB Moss.

19 MR. DIPAOLO: Right.

20 TOGGIE: So he'd never think like it's us.

21 MR. DIPAOLO: Right.

22 TOGGIE: Because he didn't know we was cool with
23 Nygard until he saw us at Jams, a radio station, one
24 time.

25 MR. DIPAOLO: Jaws Radio Station?

1 TOGGIE: I think Jams Radio Station.

2 MR. DIPAOLO: Jams?

3 TOGGIE: Yeah. And CB Moss come and say, is it
4 Nygard? And I said, no. You understand? And we told
5 CB Moss, CB Moss, you need to stop spreading a bunch of
6 foolishness for this man and give this man a chance.
7 You understand? And CB Moss must be scared too and
8 said, okay, I will talk to you guys.

9 MR. DIPAOLO: Okay.

10 TOGGIE: Yeah.

11 MR. MIYAR: One more question I have. What car
12 did you utilize to go burn CB Smith's car?

13 MR. DIPAOLO: CB Moss.

14 MR. MIYAR: Excuse me. CB Moss' car. What car
15 did you use?

16 TOGGIE: Bobo car.

17 MR. RIVAS: Bobo's car?

18 TOGGIE: Yeah.

19 (Whereupon, the statement was concluded at 5:00
20 P.M.)

CERTIFICATE

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, PATRICIA A. SCANDARIATO, Registered Professional Reporter, certify that I was authorized to and did stenographically report the sworn statement of LIVINGSTON BULLARD, and that the transcript is a true and complete record of my stenographic notes.

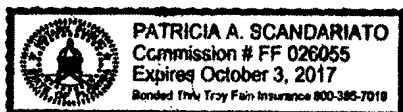
I FURTHER CERTIFY that I am not a relative, counsel or attorney of either party, nor employed by any of the parties in this cause, or otherwise interested in the event of this action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of January, 2016.

Patricia A. Scandariato
PATRICIA A. SCANDARIATO


Court Reporter and Notary Public, State of Florida

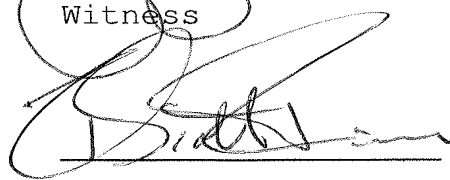


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1 I, LIVINGSTON BULLARD, being first duly sworn,
2 do hereby acknowledge that I did read a true and
3 accurate copy of my statement taken on January 24, 2016.
4

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6 
7 LIVINGSTON BULLARD

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9 Witness

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Man Tried To Set Car On Fire At Anti-Crime Activist'S Home

As of Monday, July 15, 2013

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The Rev. CB Moss.

By KHRISNA VIRGIL

Tribune Staff Reporter

kvirgil@tribunemedia.net

AUTHORITIES are investigating the attempted arson of a vehicle owned by Bahamas Against Crime (BAC) Executive Director Rev C B Moss.

According to eye witnesses, at around 2:30 am yesterday a man was seen pouring a flammable substance onto the BAC's car which was parked outside Rev Moss' home.

The culprit then lit a paper torch, but was frightened away by neighbours in the area.

Rev Moss suggested that the incident may have been an attempt by someone to intimidate him, but he said he will not be deterred from continuing with the BAC's work.

"I am determined to continue the fight to protect the inheritance and best interest of the Bahamian people. I will not be discouraged nor frightened off by intimidating acts," he said.

While the vehicle was not damaged, Rev Moss said crime is simply too high in the country.

"This act confirms that crime will eventually touch everyone unless it is arrested," he said. "Crime will not go away, but it must be driven away. It will reach you wherever you are.

"The most effective way to fight crime is for residents to take a collective stance against it. As the saying goes, there is strength in unity."

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SWORN STATEMENT

1111 South Royal Poinciana Boulevard
Miami Springs, Florida
January 24, 2016
5:00 P.M.

APPEARANCES:

- By: JOHN DIPAOLO.
- By: JORGE MIYAR
- By: R. SCOTT RIVAS

SWORN STATEMENT

OF

LIVINGSTON BULLARD A/K/A TOGGIE

1 -----
2 Thereupon:

3 LIVINGSTON BULLARD

4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. DIPAOLO: Another individual that Peter Nygard
8 had you threaten is Mike Major. Can you tell me a
9 little bit --

10 TOGGIE: Michael Major.

11 MR. DIPAOLO: Michael Major.

12 TOGGIE: Michael Major he's in charge of the land,
13 Administrative Works. He's in charge of dealing with
14 the land from Nygard Cay and Clifton.

15 MR. DIPAOLO: Okay.

16 TOGGIE: Administrative Works.

17 MR. DIPAOLO: Okay.

18 TOGGIE: And Nygard say Michael Major pull out
19 three pages of some article what they dealing with at
20 Nygard Cay. And he work for Mr. Louis Bacon. So Louis
21 Bacon hired him to take out some pages so the people at
22 Lyford Cay could see something different. You
23 understand? So he tell us he want us to go threaten
24 him, to go rough him up.

25 MR. DIPAOLO: Okay.

1 TOGGIE: Yeah.

2 MR. MIYAR: Did Michael Major have anything to do
3 with dredging permits?

4 TOGGIE: Yeah, he in charge of that.

5 MR. MIYAR: So that was why Mr. Nygard wanted him
6 roughed up because the slowness of the permits?

7 TOGGIE: Yeah. He said -- Nygard said, he don't
8 want him to get them. He's trying to stop him from
9 getting it.

10 MR. RIVAS: Not just slowing them down, not
11 getting them at all?

12 TOGGIE: Yeah. Period. Yeah.

13 MR. MIYAR: So what exactly did Mr. Nygard tell
14 you and what exactly did he say about Michael Major?

15 TOGGIE: He told us to go to Michael Major and
16 rough him up.

17 So we went and we threatened him.

18 MR. RIVAS: How did you track him and where did
19 you find him?

20 TOGGIE: He worked Administrative Works.

21 MR. RIVAS: So you followed him from work?

22 TOGGIE: Well, Administrative Works that's where
23 the prime minister's office is.

24 MR. RIVAS: Okay.

25 TOGGIE: And we had a close relationship with the

1 deputy prime minister.

2 MR. RIVAS: Okay.

3 TOGGIE: So us threatening him was like nothing.

4 MR. RIVAS: So you went to his office?

5 TOGGIE: We went to his office.

6 MR. RIVAS: And you had access because you knew
7 the deputy prime minister?

8 TOGGIE: Yeah.

9 MR. RIVAS: And you went in his office and how did
10 you --

11 TOGGIE: We threaten him. Told him --

12 MR. RIVAS: How did you threaten him?

13 TOGGIE: -- leave Peter Nygard's fucking shit
14 alone. You understand?

15 MR. RIVAS: Uh-huh.

16 TOGGIE: Let this man get what he's supposed to
17 get. And he told us that he'd get it. He was
18 paranoid. He was scared as shit. Yeah. See, because,
19 we know he told the deputy prime minister, too. So
20 that really make him scared.

21 MR. RIVAS: Right.

22 TOGGIE: So how we get to know he tell the PS
23 that -- the DPM, the deputy prime minister's boys has
24 been there and threaten him for Mr. Nygard.

25 MR. DIPAOLO: And he reported it?

1 TOGGIE: He reported it to the PS who worked in
2 Administrative Works.

3 MR. DIPAOLO: Okay.

4 MR. MIYAR: And what exactly did you tell him?

5 TOGGIE: We tell him, leave Nygard's shit alone,
6 stop trying to cause the man fucking things or we'll
7 come back making a bigger scene.

8 MR. MIYAR: Right. And did someone overturn his
9 desk?

10 TOGGIE: Huh?

11 MR. MIYAR: Did somebody overturn --

12 TOGGIE: Oh, yeah. Bobo scared him by overturn
13 the desk.

14 MR. MIYAR: Okay. So he understood the message?

15 TOGGIE: Yeah, he understood the message.

16 And Nygard paid us I think \$10,000 I think he paid
17 us on Michael Major. We told him, said, we lied to him
18 and say tell him that we make Michael Major retire.

19 MR. DIPAOLO: That took care of that problem;
20 right?

21 TOGGIE: Yeah. Because he was retiring for June
22 so he was thinking just in the terms that we make him
23 retire.

24 MR. DIPAOLO: Okay.

25 MR. MIYAR: And what did Mr. Nygard pay you for

1 this bodily threat?

2 TOGGIE: He paid us \$10,000.

3 MR. RIVAS: Total?

4 TOGGIE: Yeah.

5 MR. MIYAR: And can you explain to us where he
6 paid you and with whom?

7 TOGGIE: He paid us in front of Leo's Jeep.

8 MR. MIYAR: In what car?

9 TOGGIE: Leo's Jeep.

10 MR. MIYAR: So it wasn't a car?

11 TOGGIE: Leo's Jeep.

12 MR. DIPAOLO: Leo's Jeep.

13 MR. MIYAR: Oh, Leo's Jeep. Excuse me. Was it
14 Bahamian or US currency?

15 TOGGIE: Bahamian.

16 MR. MIYAR: And did he have any words to tell you
17 regarding that threat?

18 TOGGIE: All he told us, he just told us we do a
19 good job because he said the DPM told him said we
20 threaten Michael Major.

21 MR. MIYAR: So if it was done at his office, were
22 there any people that witnessed it?

23 TOGGIE: I don't know who witnessed it but I know
24 one woman, a woman, tell -- we heard through the
25 grapevine a woman said we come there and threaten

1 Michael Major. Because before Nygard told us the DPM
2 tell us, that's how we get to find out.

3 MR. MIYAR: So the woman knew your identities?

4 TOGGIE: Yeah, she knew us then.

5 MR. MIYAR: And she works there?

6 TOGGIE: Yeah, she work there.

7 MR. MIYAR: Do you know her name?

8 TOGGIE: Oh, I don't know her name. She's a stout
9 woman but I don't know her name.

10 (Whereupon, the statement was concluded at 5:05

11 P.M.)

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CERTIFICATE

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, PATRICIA A. SCANDARIATO, Registered Professional Reporter, certify that I was authorized to and did stenographically report the sworn statement of LIVINGSTON BULLARD, and that the transcript is a true and complete record of my stenographic notes.

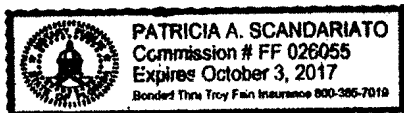
I FURTHER CERTIFY that I am not a relative, counsel or attorney of either party, nor employed by any of the parties in this cause, or otherwise interested in the event of this action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of January, 2016.

Patricia A. Scandariato


Court Reporter and Notary Public, State of Florida

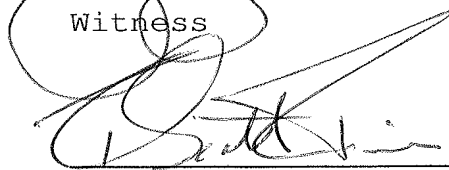


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I, LIVINGSTON BULLARD, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on January 24, 2016.


LIVINGSTON BULLARD


Witness


Witness

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SWORN STATEMENT

Avenida George Washington 367
Santo Domingo, Dominican Republic
February 4, 2016
11:47 A.M.

APPEARANCES:

By: JOHN DIPAOLO.

By: R. SCOTT RIVAS.

By: JORGE MIYAR

SWORN STATEMENT

OF

WISLER DAVILMA A/K/A BOBO

1 -----
2 Thereupon:

3 WISLER DAVILMA A/K/A BOBO
4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. DIPAOLO: The next individual I'm gonna talk
8 about is CB Moss. Again, who is CB Moss?

9 BOBO: CB Moss is a pastor of a church.

10 MR. DIPAOLO: Okay.

11 BOBO: He was general manager of a bank called
12 Workers Bank. And he was -- CB Moss was a real
13 estate -- I think he was involved in real estate, too,
14 PGF Real Estate.

15 MR. DIPAOLO: PGF. Okay.

16 BOBO: And I think CB Moss is -- he's in charge of
17 the Lyford Cay Foundation, if not in charge, a member,
18 a huge member of Lyford Cay Foundation.

19 MR. DIPAOLO: Okay.

20 BOBO: At Lyford Cay.

21 MR. DIPAOLO: Okay. What specifically was the
22 problem that Nygard had with CB Moss?

23 BOBO: Well, CB Moss basically was fighting for
24 the rights of the Bahamian people about Clifton Cay,
25 Clifton Heritage beaches and Nygard Cay. Nygard he

1 feel like CB Moss was against him from getting a grant
2 or to own Nygard Cay because CB Moss feel like Nygard's
3 not a Bahamian, he should not own anything in the
4 Bahamas. And Nygard was very upset about it.

5 MR. DIPAOLO: Okay. So it was involving this
6 Clifton?

7 BOBO: Movement.

8 MR. DIPAOLO: Movement?

9 BOBO: Right.

10 MR. DIPAOLO: Okay.

11 MR. MIYAR: So what exactly did Nygard ask you to
12 do to CB Smith -- Moss?

13 MR. DIPAOLO: CB Moss. Too many names. All
14 right. So what did he want you to do to CB Moss?

15 BOBO: He wanted CB Moss to stop fucking with him.

16 MR. DIPAOLO: Okay.

17 BOBO: Right. You know, shoot up his car up, burn
18 down his car, whatever. Just wanted to send him a
19 message.

20 MR. DIPAOLO: Okay.

21 MR. MIYAR: Okay. So explain that. Tell us that
22 story what exactly you did at his direction,
23 Mr. Nygard's direction?

24 BOBO: Burn down his car and shoot it up. Burn
25 down his car and shoot it up.

1 MR. DIPAOLO: So you went to --
2 BOBO: I know CB Moss personally.
3 MR. DIPAOLO: Okay.
4 BOBO: For the record I know him personally.
5 MR. DIPAOLO: You know where he lives?
6 BOBO: I know where he lives.
7 MR. DIPAOLO: Okay.
8 BOBO: I know what church he at. He christened my
9 children.
10 MR. DIPAOLO: Okay.
11 BOBO: I know CB Moss basically.
12 MR. DIPAOLO: All right. So then when you guys go
13 burn down his car, where did you do it, where was the
14 car?
15 BOBO: I don't remember his car.
16 MR. DIPAOLO: Huh?
17 BOBO: His car was burn down.
18 MR. DIPAOLO: Okay. Right.
19 BOBO: At his home.
20 MR. DIPAOLO: At his home?
21 BOBO: Right.
22 MR. DIPAOLO: Okay.
23 BOBO: In front of his house.
24 MR. MIYAR: Where does he live?
25 BOBO: On Easton Road. I can't give you the exact

1 name of the car.

2 MR. DIPAOLO: So you know CB Moss obviously, he's
3 christened your children, you know him very well so
4 it's not a big deal, you know exactly where he was?

5 BOBO: I know.

6 MR. DIPAOLO: All right. So then it was you and
7 Toggie?

8 BOBO: Right.

9 MR. DIPAOLO: So you went and got some gas; is
10 that true?

11 BOBO: Toggie went and get some gas. It was
12 burned down.

13 MR. DIPAOLO: And it was burned down?

14 BOBO: Right.

15 MR. DIPAOLO: You went to his house?

16 BOBO: Right.

17 MR. DIPAOLO: And then you poured gas on his car,
18 threw bottles on it; what?

19 BOBO: We arranged for his car to get shoot and
20 burned down.

21 MR. DIPAOLO: Shoot it and burned down.

22 MR. RIVAS: What kind of car is it, was it?

23 BOBO: I think it was a Laurel.

24 MR. DIPAOLO: A Laurel? I'm not familiar with a
25 Laurel.

1 MR. MIYAR: What color?
2 MR. RIVAS: A sedan car?
3 BOBO: Laurel is I think it's a sedan.
4 MR. DIPAOLO: A sedan. A car, not a truck?
5 BOBO: It's a car. Not a truck. It's a car.
6 MR. DIPAOLO: Okay. What color was it; do you
7 remember?
8 BOBO: I think it was gold or -- gold or gray.
9 MR. DIPAOLO: Gray?
10 BOBO: I think it's gray.
11 MR. DIPAOLO: Okay. All right. So then you go to
12 his house some point late night, early in the morning?
13 BOBO: Late night.
14 MR. DIPAOLO: Late night. And you got gas, put it
15 on his car and lit it on fire?
16 BOBO: Yup.
17 MR. DIPAOLO: Did you shoot the car? Did you
18 shoot at -- you know, were you waiting for him to come
19 out for some reason?
20 BOBO: At the time he was -- I think he was just
21 walking inside or he was still inside. I'm not sure.
22 MR. DIPAOLO: Okay. Did he come out of the house
23 when you started to --
24 BOBO: Did he?
25 MR. DIPAOLO: Did he come out of the house?

1 BOBO: When the car?
2 MR. DIPAOLO: When you started the car on fire or
3 did you take off?
4 BOBO: When the car was lit on fire, everybody
5 came outside. It's more like a surveillance area,
6 crime watch area.
7 MR. DIPAOLO: Crime watch area?
8 BOBO: Right.
9 MR. DIPAOLO: So people came out?
10 BOBO: People came out.
11 MR. DIPAOLO: Did you stick around or did you get
12 out of there?
13 BOBO: We get out of there. What we gonna stick
14 around for.
15 MR. DIPAOLO: Okay.
16 MR. MIYAR: And where did you buy the gas?
17 BOBO: For that?
18 MR. MIYAR: For the --
19 MR. DIPAOLO: Toggie.
20 MR. MIYAR: CB Moss.
21 BOBO: I think that we send someone for the gas.
22 I'm not sure.
23 MR. MIYAR: Okay. And why did you have the guns?
24 BOBO: In case anything would occur, we'd see
25 them. Either we shoot him up or we burn down the car.

1 MR. MIYAR: Were you going to shoot him?

2 BOBO: Me? No.

3 MR. MIYAR: Just scare him?

4 BOBO: I'm not gonna shoot CB Moss.

5 MR. MIYAR: Right.

6 BOBO: Seriously.

7 MR. RIVAS: And how did you report back to
8 Mr. Nygard what had happened?

9 BOBO: When I called Nygard, I tell Nygard to
10 watch the news. Anything like that just watch the
11 news.

12 MR. RIVAS: Called him and said, just watch the
13 news?

14 BOBO: Go watch the news.

15 MR. DIPAOLO: And what did Nygard say to you?

16 BOBO: I'm trying to remember if Nygard were in
17 town.

18 MR. DIPAOLO: Or out of town?

19 BOBO: Or out of town. I can't remember that.

20 MR. DIPAOLO: Okay. But you report back to him at
21 some point, whether he was in town or not, you called
22 him and told him to watch the news?

23 BOBO: Right.

24 MR. DIPAOLO: And then once he realized what you
25 were talking about --

1 BOBO: He was very pleased.

2 MR. DIPAOLO: He was very pleased?

3 BOBO: Yeah.

4 MR. DIPAOLO: Okay. So he knew that you burned
5 down his car?

6 BOBO: (Whereupon, Bobo nodded his head.)

7 MR. DIPAOLO: So then he paid you?

8 BOBO: Yeah.

9 MR. DIPAOLO: Do you remember how much?

10 BOBO: \$10,000.

11 MR. DIPAOLO: \$10,000 each?

12 BOBO: Yeah.

13 MR. DIPAOLO: Do you remember where he paid you
14 for this one?

15 BOBO: I can't remember.

16 MR. DIPAOLO: Okay.

17 MR. MIYAR: And obviously that came out in the
18 papers?

19 BOBO: Yeah. Involving him CB Moss is a huge man;
20 right? He paid very far, man. He paid us stiff fees.
21 I think he paid us \$20,000 for that. Seriously.

22 MR. DIPAOLO: Nygard paid you \$20,000?

23 BOBO: Yeah. I don't know if it was each or I
24 don't know. I'm not sure if it's each or together.

25 MR. DIPAOLO: Okay. Did you ever go back

1 afterwards and look at the car or that was it?

2 BOBO: (Whereupon, Bobo shook his head.)

3 MR. DIPAOLO: You just lit -- started a fire?

4 BOBO: (Whereupon, Bobo nodded his head.)

5 MR. MIYAR: Do you think CB Moss knows that you
6 and Toggie burned his car?

7 BOBO: Do CB Moss know me and Toggie burned down
8 his car? No.

9 MR. DIPAOLO: Does he think that --

10 MR. RIVAS: -- Nygard had anything to do with it?

11 BOBO: No, I don't think so.

12 MR. RIVAS: It was just an accident?

13 BOBO: Make it look like an accident. That's his
14 favorite talk.

15 MR. MIYAR: But you did this because he directed
16 you?

17 BOBO: Yeah, he directed us.

18 MR. MIYAR: Nygard. And he paid you?

19 BOBO: And he paid us.

20 MR. MIYAR: What car did you drive to go to CB
21 Smith's --

22 MR. DIPAOLO: CB Moss.

23 MR. MIYAR: See I'm reading it right here. CB
24 Moss.

25 MR. DIPAOLO: What car did you drive to go to CB

1 Moss' car?

2 BOBO: I can't remember.

3 MR. DIPAOLO: Okay.

4 BOBO: I can't remember.

5 MR. DIPAOLO: Okay.

6 BOBO: CB Smith.

7 MR. RIVAS: There is a reason for that.

8 MR. DIPAOLO: But it was again just you and
9 Toggie?

10 BOBO: Right.

11 MR. DIPAOLO: Did you ever talk to CB Moss about
12 his car being burned down?

13 BOBO: (Whereupon, Bobo shook his head.)

14 MR. DIPAOLO: No?

15 BOBO: I'm not a fool.

16 MR. DIPAOLO: And you don't know if Nygard ever
17 talked to him about it?

18 BOBO: Nygard?

19 MR. DIPAOLO: Just to say, hey, look, you know,
20 there was a message?

21 BOBO: Nygard met CB Moss before when he first
22 came in. He reach out his hand and CB didn't shake his
23 hand and he said that pissed him off.

24 MR. DIPAOLO: Okay.

25 MR. MIYAR: I have one question. How did Nygard

1 trust you guys to do these things? How did you gain
2 his trust?

3 BOBO: First you develop a relationship with
4 anything you do.

5 MR. MIYAR: Uh-huh.

6 BOBO: In anything you do, you develop a
7 relationship. Like John. John say, for sake of
8 discussion. That's his favorite line. Evidence for
9 whatever. But we say we come to an agreement. You
10 understand where I'm coming from? After I start
11 talking to Nygard. I'm trying to remember the first
12 thing we did for Nygard to really gain our trust.

13 MR. DIPAOLO: So you gained his trust?

14 BOBO: We gained his trust through the march.

15 MR. DIPAOLO: Through the march?

16 BOBO: Through the march. He thought we couldn't
17 pull it off because when Nygard gave it to Toggie and
18 me, it's a chance he took by doing it. I'm not gonna
19 give you a couple thousand shirts and huge sums of
20 money just like that, not knowing you guys. So he
21 played poker and took a chance. And after he saw we
22 pulled off the march and it was huge, that was it from
23 there.

24 MR. DIPAOLO: That's how you gained his trust?

25 BOBO: Right.

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MR. DIPAOLO: Okay.

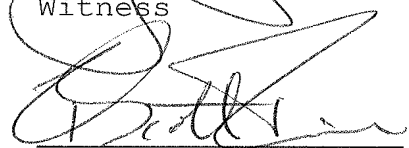
(Whereupon, the sworn statement was concluded at
12:00 P.M.)


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I, WISLER DAVILMA, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on February 4, 2016.


WISLER DAVILMA


Witness


Witness

Witness


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SWORN STATEMENT

Avenida George Washington 367
Santo Domingo, Dominican Republic
February 4, 2016
11:36 A.M.

APPEARANCES:

By: JOHN DIPAOLO.

By: R. SCOTT RIVAS.

By: JORGE MIYAR

SWORN STATEMENT

OF

WISLER DAVILMA A/K/A BOBO

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Thereupon:

WISLER DAVILMA A/K/A BOBO

a witness herein being of lawful age, and being first
duly sworn in the above cause, testified on his oath
as follows:

MR. DIPAOLO: So we discussed this a little before
and we discussed it with Toggie that Nygard had a
girlfriend?

BOBO: Yeah.

MR. DIPAOLO: And she had a business?

BOBO: Yeah.

MR. DIPAOLO: Right?

BOBO: Well, go ahead.

MR. DIPAOLO: Okay. And that this -- evidently
this -- there was this girlfriend at some point and
then there was a problem to a point where Nygard asked
you to go burn her business down?

BOBO: Right.

MR. DIPAOLO: Okay. And you remember this woman's
name as?

BOBO: Sam.

MR. DIPAOLO: Sam. Okay.

MR. MIYAR: So tell us about that.

MR. DIPAOLO: What kind of business was it?

1 BOBO: She had a hair and clothing store.

2 MR. DIPAOLO: Okay. And do you remember where it
3 was?

4 BOBO: It's on Wulff Road.

5 MR. DIPAOLO: Wulff Road. And this is where I
6 asked you to give me a picture of her place because
7 it's now back open again you said; correct?

8 BOBO: Yes.

9 MR. DIPAOLO: Okay.

10 BOBO: I can get you a picture. I will get the
11 picture.

12 MR. DIPAOLO: You think because --

13 BOBO: If you look at the timeframe that I took
14 the picture of the law firm, you never mentioned it
15 yet, you will see that the night before I left I went
16 and take that picture.

17 MR. DIPAOLO: Okay. All right. You could get
18 that picture?

19 BOBO: Yes.

20 MR. DIPAOLO: And a t-shirt. Okay. So good.

21 MR. MIYAR: Why did Nygard want her business
22 burned?

23 BOBO: She was threatening Nygard to reveal
24 information about him from what I can remember. And
25 they wanted money from Nygard. They were trying to

1 bribe Nygard for money.

2 MR. DIPAOLLO: She was?

3 BOBO: Nygard when he was in love with her,
4 Nygard's in love. Trust me, Nygard's in love with her.
5 Leo spoke highly about her. And they were very pissed
6 about it too because if you tried to hurt Nygard by any
7 means like it affects Leo Thurston also. And Leo said
8 that Nygard treat her so fucking well and give her
9 whatever she wanted, travel around the world and that's
10 what she did to return the favor.

11 MR. DIPAOLLO: So needless to say Nygard was pretty
12 pissed at her?

13 BOBO: He was pretty pissed.

14 MR. DIPAOLLO: Okay.

15 BOBO: He even got me a picture of her. I don't
16 have it anymore. He took it back.

17 MR. DIPAOLLO: Okay.

18 BOBO: He took it back. He told me, this is her.
19 And we drove around in a vehicle, in his Jeep, with a
20 picture of her. When I was about to step out with it,
21 he said, give me that picture back.

22 So he said that she was gonna risk a fucking
23 warning. You know what I mean? And he even made a
24 call to her to try to talk to her. And Sam and another
25 girl, I can't remember the other girl's name.

1 MR. DIPAOLO: Okay.

2 BOBO: And he told us that he want us to hurt her
3 any means necessary. Like that she had opened a
4 business so you fucking gonna do it. So it was done.

5 MR. DIPAOLO: Okay. So you burned down her
6 business. Tell me a little about how you did that. So
7 you went and got gas?

8 BOBO: Gasoline.

9 MR. DIPAOLO: All right. So you went to a gas
10 station to get the gasoline?

11 BOBO: Yeah.

12 MR. DIPAOLO: Do you remember the name of the gas
13 station?

14 BOBO: Shell.

15 MR. DIPAOLO: Shell. Okay. You put the gas into
16 what kind of container?

17 BOBO: It was -- the first one we threw through,
18 40-ounce.

19 MR. DIPAOLO: Forty ounce bottle?

20 BOBO: Threw the glass.

21 MR. DIPAOLO: Glass bottle.

22 BOBO: Full of alcohol.

23 MR. DIPAOLO: A glass bottle?

24 BOBO: Right. Full of gasoline. Just put it
25 through the glass.

1 MR. DIPAOLO: Of the business?

2 BOBO: Just the bottles.

3 MR. DIPAOLO: Uh-huh.

4 BOBO: Soak it so gas can be all over.

5 MR. DIPAOLO: So you soaked it first with gas?

6 BOBO: Right. And the next thing we lighted it.

7 MR. DIPAOLO: Then you lit it?

8 BOBO: Right.

9 MR. DIPAOLO: How did you light it, with a match,
10 with a torch or something?

11 BOBO: Lighter.

12 MR. DIPAOLO: Okay.

13 MR. MIYAR: Can you describe the business? How
14 did you break the glass to get the gasoline inside?

15 BOBO: We told you we filled two bottles and we
16 just break the glass. Then we lit the last one and we
17 threw it through. Once that one was lit been in, it
18 automatically explode.

19 MR. DIPAOLO: Okay. So the first two bottles just
20 had gas in it?

21 BOBO: Right.

22 MR. DIPAOLO: Just got the gas all over the place?

23 BOBO: Right.

24 MR. DIPAOLO: Then there was a third bottle that
25 you lit?

1 BOBO: There's two bottles.

2 MR. DIPAOLO: Two bottles. Okay. So the second
3 bottle of it is lit?

4 BOBO: Right.

5 MR. DIPAOLO: Threw that in and when it got into
6 all the other gas that was already in there, it went
7 up?

8 BOBO: Right, because hair and clothes, especially
9 hair chemicals.

10 MR. DIPAOLO: Chemicals for the hair. Yup.

11 BOBO: They explode really big.

12 MR. DIPAOLO: Okay.

13 MR. MIYAR: And about what time did you do this?

14 BOBO: That was in the night. I can't remember
15 what time it was.

16 MR. MIYAR: Okay. What car did you drive to go
17 there?

18 BOBO: I don't remember. Let me see.

19 MR. DIPAOLO: You don't remember if you drove,
20 Toggie drove?

21 BOBO: I can't remember.

22 MR. DIPAOLO: Okay. That's fine. Okay.

23 MR. MIYAR: But was it your car?

24 BOBO: I cannot remember if it was my car.

25 MR. DIPAOLO: But it was just you two?

1 BOBO: Yes.

2 MR. DIPAOLO: Nobody else?

3 BOBO: No.

4 MR. MIYAR: The Shell station, where was that
5 located?

6 BOBO: I'm not sure. It was on the same Wulff
7 Road. No.

8 MR. DIPAOLO: But it was a Shell?

9 BOBO: Yeah.

10 MR. MIYAR: Okay. When you saw the building go up
11 in flames, did you leave right away?

12 BOBO: I'm gone.

13 MR. DIPAOLO: Yeah.

14 BOBO: I think Toggie drive. Yeah, I think Toggie
15 drive. I'm not sure. I'm not sure.

16 MR. DIPAOLO: But you're not sure. Okay.

17 MR. MIYAR: Did you come back the next day to see
18 any damage?

19 BOBO: Of course. You have to go back to see.

20 MR. MIYAR: And what did it look like?

21 BOBO: It looked like a disaster.

22 MR. MIYAR: And when you told Nygard, what did he
23 say?

24 BOBO: He was very pleased. I told him say,
25 listen to the news.

1 MR. RIVAS: You called him --

2 BOBO: Nygard.

3 MR. RIVAS: -- to tell him it was done?

4 BOBO: Yeah.

5 MR. RIVAS: Where was he?

6 BOBO: I'm not sure if Nygard -- I don't think
7 he's in Nygard Cay. I'm not sure if he's here or --

8 MR. RIVAS: Off the island?

9 BOBO: Yeah.

10 MR. MIYAR: What did he pay you for the arson?

11 BOBO: I don't remember if it was 20 or 10. I
12 think it's 10 though.

13 MR. DIPAOLO: Ten each?

14 BOBO: Right.

15 MR. MIYAR: Do you think anybody saw you?

16 BOBO: No. In and out.

17 MR. DIPAOLO: In and out?

18 BOBO: We aren't stupid. We're smarter than that.

19 MR. MIYAR: Do you recall where he paid you?

20 BOBO: That's where I think he paid us at the
21 Fresh Market. Seriously.

22 MR. DIPAOLO: Okay. So when he came back in town
23 he met you at the Fresh Market?

24 BOBO: Right.

25 MR. DIPAOLO: And paid you?

1 BOBO: The Fresh Market is on the airport road
2 after you pass the airport hidden. The Lyford Cay area
3 is in back of Shell.

4 MR. DIPAOLO: Okay. And then so it was you and
5 Toggie?

6 BOBO: Right.

7 MR. DIPAOLO: Nygard and then who else?

8 BOBO: Leo.

9 MR. DIPAOLO: And Leo. Leo was there.

10 All right. So since then she after that she
11 rebuilt?

12 BOBO: Right.

13 MR. DIPAOLO: And it's back open again?

14 BOBO: Yup. It's on Wulff Road. It's more like a
15 kind of traffic there but not like ghetto.

16 MR. DIPAOLO: Right.

17 BOBO: Because a lot of people goes there.

18 MR. DIPAOLO: Okay. And you will give me a
19 picture of it and send it to me?

20 BOBO: I don't know how to send but I will get the
21 picture or have William send it to you or Craig.

22 MR. DIPAOLO: I'll show you how to do it. Well,
23 actually give it to Craig and have Craig send it to me
24 through WhatsApp.

25 BOBO: Right. I'll have Craig send it.

1 MR. DIPAOLO: That would be perfect.

2 Now did Nygard ever talk to her about her building
3 burning down? Did she ever suspect him or talk to him about
4 it?

5 BOBO: No, I don't think she suspected him.

6 MR. DIPAOLO: Yeah.

7 BOBO: I don't know them to talk about it. I'm
8 not sure.

9 MR. DIPAOLO: Okay.

10 MR. MIYAR: And did the police make a police
11 report about this?

12 BOBO: Yeah. They always do reports on fire and
13 stuff.

14 (Whereupon, the sworn statement was concluded at
15 11:46 A.M.)

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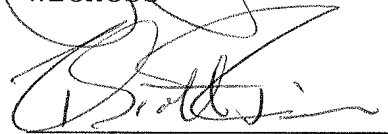
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I, WISLER DAVILMA, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on February 4, 2016.


WISLER DAVILMA


Witness


Witness

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SWORN STATEMENT

Avenida George Washington 367
Santo Domingo, Dominican Republic
February 4, 2016
11:25 A.M.

APPEARANCES:

By: JOHN DIPAOLO.

By: R. SCOTT RIVAS.

By: JORGE MIYAR

SWORN STATEMENT

OF

WISLER DAVILMA A/K/A BOBO

1 -----
2 Thereupon:

3 WISLER DAVILMA A/K/A BOBO

4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. DIPAOLO: What we spoke to you about before
8 was a Michael Major.

9 BOBO: Yup.

10 MR. DIPAOLO: Explain to me again who Michael
11 Major is.

12 BOBO: Michael Major is more he works at
13 Administrative Works and Urban Development and
14 Planning. He's the boss in planning. That's what they
15 call it, section head, not the boss, section head in
16 Planning. And he deals with more like the layout and
17 concerning the land and I think environment and all of
18 that.

19 MR. DIPAOLO: Okay.

20 BOBO: All that.

21 MR. DIPAOLO: Okay. That's who he is. Now
22 evidently there was a problem between Michael Major and
23 Peter Nygard; correct?

24 BOBO: Yeah.

25 MR. MIYAR: Can you explain why Nygard wanted him

1 killed?

2 BOBO: Nygard said --

3 MR. MIYAR: Or threatened -- threatened?

4 BOBO: Threatened. He said Michael Major was
5 being a pain in the fucking ass. That's his favorite
6 word. He said Michael Major is holding back some
7 documents.

8 MR. MIYAR: What kind of documents?

9 BOBO: Concerning the environment or his land.

10 MR. DIPAOLO: Of Nygard's land?

11 BOBO: Of Nygard's land. See his documents -- in
12 any office you work you start from the bottom and it
13 comes up. And in order for the big man on top to sign
14 it, it have to move. And he feel like it was not
15 moving.

16 MR. DIPAOLO: He wasn't moving Nygard's paperwork?

17 BOBO: Right. And Michael Major was being paid by
18 Louis Bacon or somebody.

19 MR. DIPAOLO: To squash it?

20 BOBO: To squash it. He's pissed about it.

21 MR. DIPAOLO: Okay. So then he asked you and
22 Toggie --

23 BOBO: Right.

24 MR. DIPAOLO: -- to go and threaten him and talk
25 to him?

1 BOBO: Go pay him a visit and threaten him.

2 MR. DIPAOLO: Go pay him a visit so --

3 BOBO: We did that. We tell him if he don't stop
4 doing what he doing, break your fucking leg and hand.

5 MR. DIPAOLO: And you visit him where, at his
6 office?

7 BOBO: Visit him at Administrative Works.

8 MR. DIPAOLO: Okay. So you walked in?

9 BOBO: Yeah. We walk in freely.

10 MR. DIPAOLO: Okay. So you walked in freely,
11 walked into his office?

12 BOBO: Yeah.

13 MR. DIPAOLO: And you say, hi, Michael Major?

14 BOBO: Michael Major and who? They didn't call
15 nothing. They wanted to call the police. But somehow
16 someone had called the DPM because that's how, you
17 know, I told you.

18 MR. DIPAOLO: Okay.

19 BOBO: And DPM said, they his words, he don't
20 think they mean any harm about it.

21 MR. DIPAOLO: When you walked into his office what
22 did you tell Michael Major?

23 BOBO: Toggie told him if he didn't stop, he'd
24 break his leg and hand.

25 MR. DIPAOLO: All right. I think at one point you

1 told me that you did something to his desk. Did you do
2 something to his desk?

3 BOBO: I think I push over his desk, you know.

4 MR. DIPAOLO: All right. So you took his desk and
5 you what, pushed it, flipped it, pushed it?

6 BOBO: Push it.

7 MR. DIPAOLO: Push it. Pushed it against him?

8 BOBO: Yeah.

9 MR. DIPAOLO: So kind of threatened him like you
10 pushed his desk while Toggie was --

11 BOBO: Yeah.

12 MR. DIPAOLO: -- saying you better stop fucking
13 with him or we're gonna break --

14 BOBO: (Whereupon, Bobo nodded his head.)

15 MR. DIPAOLO: Okay. Then it was reported,
16 eventually it was reported?

17 BOBO: Yeah, it was reported.

18 MR. DIPAOLO: And then it went to the DPM?

19 BOBO: Right.

20 MR. DIPAOLO: Did the DPM talk to you about it?

21 BOBO: Yeah.

22 MR. DIPAOLO: Okay. What did he say?

23 BOBO: He call us into his office.

24 MR. DIPAOLO: Okay.

25 BOBO: He said, listen, I know want you guys do.

1 He said, I want to deal with this for you guys. You
2 don't go around threatening people. We deny
3 threatening Michael Major.

4 MR. DIPAOLO: Okay.

5 BOBO: But we did.

6 MR. DIPAOLO: Right. So you denied to the DPM
7 that you threatened Michael Major?

8 BOBO: Right.

9 MR. DIPAOLO: But you did?

10 BOBO: Right.

11 MR. DIPAOLO: And he said, stop doing that, don't
12 do that, you don't go around threatening people?

13 BOBO: Right.

14 MR. DIPAOLO: Okay. And that's how it was
15 handled, they didn't call the police?

16 BOBO: They didn't call the police.

17 MR. DIPAOLO: They didn't fill out a report.
18 Okay.

19 MR. MIYAR: So how were you able to walk into the
20 Administrative --

21 BOBO: It's not -- it's just simple. I don't
22 know. See, the relationship we have with DPM, I
23 believe a lot of people are very afraid because they
24 feel if you haven't left, I'm not gonna wait all day,
25 if I travel to see him, I'm gonna see him. I'm coming

1 in the office. Because normally what you hear he's in
2 a meeting, he's inside his office, he just doesn't want
3 to speak to you. We know how the system works.

4 MR. DIPAOLO: Right. Right. Do you know of any
5 time that Nygard, did he ever try to possibly bribe
6 Michael Major to get his paperwork done?

7 BOBO: He might have. I don't know any of it.

8 MR. DIPAOLO: You don't know anything about it?

9 BOBO: No.

10 MR. DIPAOLO: As far as bribery you don't know
11 about. Okay.

12 MR. RIVAS: But back to the visit, the threat
13 tipping the desk and all that, you get back to
14 Mr. Nygard, what does he say and what does he pay you?

15 BOBO: Nygard say, you really did that? I say,
16 yeah, Chief, we really did that. He say -- you know
17 how he talks. I don't know if you ever met him or
18 heard his voice.

19 MR. RIVAS: Yes.

20 BOBO: But if the deal comes back, you listen, you
21 hear it. He say, did you did that for me? I say,
22 yeah, Chief. Trust me, Chief, he will be dealing will
23 that shortly. Okay. I have a few cookies for you,
24 boys. All right, Chief. No problem. The deal will go
25 normally.

1 MR. RIVAS: Okay. So he was pleased?

2 BOBO: Yeah.

3 MR. RIVAS: Surprised?

4 BOBO: Yeah. He's very surprised. He give us
5 \$10,000. He always give us \$10,000.

6 MR. RIVAS: And did the behavior, did it continue
7 or did it stop?

8 BOBO: It stopped from the best of my knowledge.

9 MR. RIVAS: Yeah. You guys didn't do anything
10 else?

11 BOBO: No.

12 MR. RIVAS: And then?

13 BOBO: He never mentioned it anymore after that.

14 MR. RIVAS: And he never mentioned it again?

15 BOBO: I don't know if the documents went up.

16 MR. RIVAS: But he never mentioned it?

17 BOBO: No.

18 MR. MIYAR: And was there any witnesses when you
19 guys did this, any witnesses there that saw you?

20 BOBO: Yeah, he has a secretary. When I walked
21 past her I can't say too much stuff.

22 MR. MIYAR: Right.

23 BOBO: When I go over to do something, generally I
24 don't talk much.

25 MR. MIYAR: Right. The secretary, can you

1 describe her?

2 BOBO: She's very beautiful. She is very
3 beautiful. She's about 6'1", maybe shorter. She is
4 very beautiful, beautiful.

5 MR. MIYAR: So she saw it?

6 BOBO: She drive a red Mustang. I always remember
7 her Mustang because every time she put one feet out, I
8 love ladies who wear heels.

9 MR. MIYAR: So she witnessed it and heard it?

10 BOBO: Yeah. Actually when I asked her to speak
11 with him she said he's in a meeting. Then I walked
12 past her. It upsetted her.

13 And they had a lady at the front desk. I can't
14 remember her name. She walks with a limp.

15 MR. MIYAR: So possibly two people?

16 BOBO: Right.

17 MR. MIYAR: That witnessed?

18 BOBO: Physical Planning. That's the main office
19 department.

20 MR. MIYAR: And did Michael Major retire after
21 that?

22 BOBO: He did retire. But they had -- when you
23 retire they call you back. I forget what they say.
24 Like if you're an intelligent person and you do a good
25 job.

1 MR. MIYAR: So they brought him back?

2 BOBO: They brought him back.

3 MR. DIPAOLO: Like consulting or something?

4 BOBO: Right.

5 MR. MIYAR: And did Nygard pay you? Where did he
6 pay you?

7 BOBO: For that I think at Nygard Cay. I know
8 there was a time they had paid us at the Farmers
9 Market. I know he paid us at the Farmers Market
10 before.

11 MR. MIYAR: Okay.

12 MR. DIPAOLO: Okay.

13 BOBO: I remember that.

14 (Whereupon, the sworn statement was concluded at
15 11:35 A.M.)

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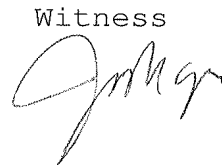
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3 I, WISLER DAVILMA, being first duly sworn,
4 do hereby acknowledge that I did read a true and
5 accurate copy of my statement taken on February 4, 2016.

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8 WISLER DAVILMA

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11 Witness

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SWORN STATEMENT

Avenida George Washington 367
Santo Domingo, Dominican Republic
February 4, 2016
12:35 P.M.

APPEARANCES:

- By: JOHN DIPAOLO
- By: JAMES LAWSON
- By: JORGE MIYAR
- By: R. SCOTT RIVAS

SWORN STATEMENT

OF

LIVINGSTON BULLARD A/K/A TOGGIE

WISLER DAVILMA A/K/A BOBO

1 -----
2 Thereupon:

3 LIVINGSTON BULLARD AND WISLER DAVILMA
4 witnesses herein being of lawful age, and being first
5 duly sworn in the above cause, testified on their oath
6 as follows:

7 MR. DIPAOLO: They want in here a \$600,000
8 marijuana seizure, it's a news article. Do you know
9 these guys?

10 BOBO: Yeah.

11 MR. DIPAOLO: They picked Kurt Moss --

12 BOBO: Uh-huh.

13 MR. DIPAOLO: -- Darius Bowleg and Shelton Brodie;
14 right?

15 TOGGIE: (Whereupon, Toggie nodded his head.)

16 MR. DIPAOLO: This is over a marijuana seizure;
17 right?

18 BOBO: Right.

19 TOGGIE: Uh-huh.

20 MR. DIPAOLO: You know these guys?

21 BOBO: Yeah, I know them.

22 MR. DIPAOLO: Does Nygard know these guys?

23 TOGGIE: No.

24 BOBO: No.

25 TOGGIE: Oh, yeah. He work on Nygard Cay.

1 MR. DIPAOLO: This is Kurt Moss?
2 BOBO: Yeah.
3 MR. DIPAOLO: He's been on Nygard Cay?
4 BOBO: Yeah.
5 MR. DIPAOLO: Why?
6 BOBO: He used to work there.
7 TOGGIE: He used to work there.
8 MR. DIPAOLO: He used to work there? For what.
9 Let's go back. This is Kurt Moss; right? Toggie?
10 TOGGIE: Yeah.
11 BOBO: We know him personally.
12 MR. DIPAOLO: Toggie, why is he on Nygard Cay?
13 TOGGIE: He used to work there.
14 MR. DIPAOLO: Toggie, why is he on --
15 TOGGIE: He does security there.
16 MR. DIPAOLO: He's does security there?
17 TOGGIE: Yeah.
18 MR. DIPAOLO: For Nygard?
19 TOGGIE: He works through a security firm. He
20 used to work for Ely. Ely work for Nygard.
21 MR. DIPAOLO: Ely worked for Nygard?
22 TOGGIE: Yeah.
23 MR. DIPAOLO: And Ely brought Kurt Moss onto
24 Nygard Cay to do security?
25 TOGGIE: Yeah. To do security, yeah.

1 MR. DIPAOLO: What type of security, for what?

2 TOGGIE: To watch -- to guide Nygard Cay.

3 MR. DIPAOLO: Just to guide Nygard Cay?

4 TOGGIE: Yeah.

5 MR. DIPAOLO: Now after these guys were arrested
6 for this \$600,000 marijuana seizure, did this have
7 anything to do with Nygard?

8 TOGGIE: Not to my knowledge.

9 MR. DIPAOLO: Not to your knowledge? Bobo, not to
10 your knowledge?

11 BOBO: Not to my knowledge.

12 MR. DIPAOLO: All right. So other than him
13 working on Nygard Cay for security who was brought on
14 by this Ely, do you know of any other relationship that
15 these guys had with Nygard?

16 TOGGIE: No.

17 BOBO: No.

18 TOGGIE: I think Nygard doesn't even know him
19 because he wasn't working too long.

20 BOBO: The reason Ely hired him because he's built
21 too. He's huge. Yeah, he's a big guy.

22 MR. DIPAOLO: Okay. Do you know if any of this
23 drug smuggling had anything to do with Nygard Cay?

24 BOBO: No.

25 TOGGIE: No.

1 MR. DIPAOLO: It was all something that they did
2 on their own?

3 TOGGIE: Yeah.

4 BOBO: They did on their own.

5 MR. DIPAOLO: Ely that brought him in to Nygard
6 Cay, did he have anything to do with this drug
7 smuggling?

8 TOGGIE: No.

9 BOBO: No.

10 MR. DIPAOLO: It just had to do with these three
11 guys?

12 BOBO: They're out on bail.

13 MR. DIPAOLO: They're out on bail?

14 BOBO: Uh-huh. He makes them pay for it. Trust
15 me. He's also big.

16 MR. LAWSON: All right.

17 MR. DIPAOLO: A private van registered to
18 resident's head of security was reportedly seen coming
19 out of the Lyford Cay gate with drugs allegedly inside.
20 Does that make any sense to you? No?

21 TOGGIE: (Whereupon, Toggie shook his head.)

22 BOBO: (Whereupon, Bobo shook his head.)

23 MR. DIPAOLO: All right. So basically these are
24 three guys who were arrested for a \$600,000 marijuana
25 seizure. This guy here, which I'm pointing at is Kurt

1 Moss?

2 TOGGIE: Right.

3 BOBO: Right.

4 MR. DIPAOLO: And you already know him to be on
5 Nygard Cay through Ely?

6 TOGGIE: Ely.

7 MR. DIPAOLO: To work security for the Nygard Cay
8 area?

9 TOGGIE: Right.

10 MR. DIPAOLO: None of this marijuana seizure or
11 this marijuana case had anything to do with Lyford Cay?

12 TOGGIE: No.

13 MR. DIPAOLO: Or Nygard Cay to the best of your
14 knowledge?

15 TOGGIE: No.

16 BOBO: No. Nothing.

17 MR. DIPAOLO: Okay.

18 BOBO: Can I say something?

19 MR. DIPAOLO: Yeah, please. Yeah.

20 BOBO: Let me tell you why I strongly believe that
21 have nothing to do with Nygard Cay.

22 MR. DIPAOLO: Why?

23 BOBO: You can't even smoke cigarette on Nygard
24 Cay.

25 MR. DIPAOLO: Yeah, he won't even let you smoke?

1 BOBO: He won't let you smoke tobacco, nothing.

2 TOGGIE: Not even smoke on Nygard Cay.

3 BOBO: On Nygard Cay. Automatic, no, they put you
4 off the Cay.

5 MR. DIPAOLO: So they wouldn't smoke marijuana
6 there but in all your dealings with Peter Nygard did
7 you ever know him to be involved in marijuana,
8 smuggling drugs?

9 BOBO: No.

10 MR. DIPAOLO: Of any kind?

11 BOBO: No.

12 TOGGIE: No.

13 MR. DIPAOLO: And this thing specifically, this
14 case here with these three guys, you have no personal
15 knowledge of them being involved with Nygard over this
16 specific deal?

17 BOBO: No.

18 TOGGIE: No. I think what happened is they might
19 have been working at Nygard Cay but hunted down at
20 Nygard Cay. You understand? Because at Nygard Cay
21 they search.

22 BOBO: That might be it. That might be it because
23 he worked there as security. But he is dealing drugs.
24 He can arrange for them to bring them and then he in
25 order to get it out wound up being detected. You

1 understand? It can happen that way.

2 MR. RIVAS: It can happen without his bodyguards.

3 BOBO: No.

4 TOGGIE: No.

5 BOBO: He had no idea.

6 TOGGIE: For Nygard when it come to drugs --

7 BOBO: Nygard is a no nonsense man when it come to
8 drugs.

9 TOGGIE: When it come to drugs, he doesn't have
10 it.

11 MR. DIPAOLO: If Kurt would have done that and
12 smuggled it in through Nygard Cay, it would have been
13 without Nygard's knowledge; right?

14 BOBO: Yeah.

15 TOGGIE: Yeah.

16 MR. DIPAOLO: But it's possible that he could have
17 and it's something that you could ask him about?

18 BOBO: Okay. I'll ask him.

19 MR. DIPAOLO: And you could; correct?

20 TOGGIE: He's asking.

21 MR. DIPAOLO: And you're like that with him;
22 right?

23 TOGGIE: Close. We don't know him through Nygard
24 Cay. I know him from small.

25 BOBO: When we're small growing up.

1 MR. DIPAOLO: Do you know anything about this
2 marijuana case that they were involved in then?

3 TOGGIE: No, I don't know anything about a case.

4 BOBO: No, I was more surprised.

5 MR. DIPAOLO: When you saw it?

6 BOBO: Saw it.

7 MR. DIPAOLO: These three guys were involved with
8 this supposedly. Put it this way, they were arrested
9 for this \$600,000 marijuana seizure that you know of?

10 BOBO: Right.

11 MR. DIPAOLO: So if you see them?

12 BOBO: I'll check it out.

13 MR. DIPAOLO: Ask him did you bring that through
14 Nygard Cay.

15 BOBO: I'll ask.

16 MR. DIPAOLO: Well, ask them. If you get any
17 information about them that it happened on Nygard Cay,
18 if they worked with Nygard? Did he have a personal
19 relationship with Nygard?

20 BOBO: No.

21 TOGGIE: No.

22 BOBO: He had a personal relationship with --

23 TOGGIE: Ely.

24 BOBO: -- Ely.

25 MR. DIPAOLO: What I'm showing them here is a

1 picture of two men and a girl and the men are dressed
2 up kind of like police officers, they have AK-47s.
3 We're asking Bobo and Toggie whether or not they know
4 these people and the answer is no?

5 BOBO: No, we don't.

6 TOGGIE: (Whereupon, Toggie shook his head.)

7 MR. RIVAS: Remember the demonstration, the
8 original one, you know, the paraphernalia whether it
9 was the signs or the shirts and all that. The
10 t-shirts, banners, any printed material, do you know
11 where those were obtained from?

12 TOGGIE: We got them from Mr. Peter Nygard.

13 MR. RIVAS: You actually got the shirts from Mr.
14 Nygard?

15 TOGGIE: Yes, we got the shirts from Mr. Nygard.

16 BOBO: Nygard. This is Bobo. Nygard had sent
17 them through Leo.

18 MR. RIVAS: Sent them through Leo?

19 BOBO: We received them from Leo. But the
20 posters, paraphernalias and stuff, we got them directly
21 from Nygard.

22 MR. RIVAS: Okay. The posters were from Nygard?

23 BOBO: Right.

24 TOGGIE: Yeah, Nygard.

25 BOBO: And the money for the protest march.

1 MR. RIVAS: Was there any other printed material
2 other than posters and shirts?

3 TOGGIE: No.

4 MR. RIVAS: Like leaflets? Did you guys hand out
5 leaflets or anything like that?

6 BOBO: No.

7 TOGGIE: Huh-uh.

8 MR. RIVAS: There was a video of all this?

9 TOGGIE: Yeah.

10 BOBO: Yeah.

11 MR. RIVAS: Do you know who produced that video?

12 TOGGIE: ZNS.

13 BOBO: ZNS News.

14 MR. MIYAR: ZNS News; correct?

15 BOBO: Yeah. Channel 12 News.

16 TOGGIE: It was Channel 12, now it's ZNS.

17 BOBO: Oh, I think ZNS.

18 TOGGIE: I don't think Channel 12 was there. I
19 think ZNS was there.

20 MR. RIVAS: Okay. There was a flatbed truck;
21 right?

22 BOBO: Right.

23 MR. RIVAS: Do you know who rented that flatbed
24 truck?

25 TOGGIE: Us.

1 MR. RIVAS: You guys?
2 TOGGIE: Yeah.
3 BOBO: Yes.
4 MR. RIVAS: Where did you rent it from?
5 TOGGIE: We rented from -- there was a couple
6 flatbed trucks we rented.
7 BOBO: There was a few trucks we rented from a few
8 friends, just guys we know, familiar, not no company.
9 MR. RIVAS: Not a company?
10 BOBO: No.
11 MR. RIVAS: They were just individuals that owned
12 that flatbed truck?
13 TOGGIE: Right.
14 MR. RIVAS: You went and gave them some money to
15 use it for the day?
16 BOBO: Yeah.
17 TOGGIE: Yeah.
18 MR. RIVAS: Okay. Who is in that truck? Who is
19 in the truck in those pictures, those videos or
20 whatever, the news?
21 BOBO: They are regular people.
22 MR. RIVAS: Just?
23 BOBO: Regular people.
24 MR. RIVAS: Just street people?
25 TOGGIE: Yeah.

1 MR. RIVAS: Friends?

2 BOBO: Friends.

3 TOGGIE: Friends.

4 MR. RIVAS: Some friends? Did you know everybody
5 in here or some of the people?

6 BOBO: On the march?

7 MR. RIVAS: That would have been in that flatbed
8 truck.

9 BOBO: We know just about everybody.

10 TOGGIE: Just about everybody.

11 MR. RIVAS: Who is the DJ?

12 BOBO: The DJ is --

13 TOGGIE: It's Charles. Charles.

14 BOBO: Yeah.

15 MR. LAWSON: Do you have a last name?

16 TOGGIE: I know Charles' nickname. Charles'
17 nickname is Linx.

18 BOBO: That's what we call him, Linx.

19 MR. LAWSON: Do you know a real name for Linx?

20 BOBO: I think he's a Mins. Linx, he's a Mins.

21 MR. RIVAS: Last name is Mintz?

22 BOBO: Mins.

23 MR. LAWSON: Spell that.

24 BOBO: M-I-N-S.

25 MR. LAWSON: M-I-N-S.

1 MR. DIPAOLO: Mins.

2 MR. RIVAS: The rental equipment, was there any
3 other equipment that got rented for that demonstration?

4 TOGGIE: I used my -- and everything.

5 BOBO: Use Toggie's share of it, too. Put on some
6 trucks.

7 MR. RIVAS: Any other equipment like speakers
8 maybe?

9 BOBO: They come with speakers.

10 MR. RIVAS: It already comes with it?

11 BOBO: It already comes with speakers.

12 TOGGIE: Everything comes with speakers.

13 MR. RIVAS: All right. Bobo, do you have any
14 information about any payoffs to police officers or
15 immigration authorities or any politicians?

16 BOBO: By who?

17 MR. DIPAOLO: By Nygard.

18 MR. RIVAS: By Nygard.

19 MR. DIPAOLO: By Nygard. Did Nygard ever pay --

20 MR. RIVAS: Did he ever try to pay off a police
21 officer, an immigration of politician?

22 BOBO: Pay him off for what?

23 MR. DIPAOLO: Corruption.

24 MR. RIVAS: For assistance or like --

25 MR. DIPAOLO: To have them do something on his

1 behalf. Did he ever go over to the police commissioner
2 and say, hey, here's \$10,000 if you take care of this
3 for me?

4 BOBO: I don't know for sure, no.

5 MR. DIPAOLO: That you know.

6 BOBO: I don't know for sure.

7 MR. DIPAOLO: Do you know if Nygard ever went to
8 any immigration officers for whatever and paid them
9 off?

10 BOBO: No.

11 MR. DIPAOLO: Do you know of him to ever go to any
12 politician, other than the money he gave them for
13 campaign contributions, do you know of Nygard ever
14 going to any politician and paying them off with money
15 for any --

16 MR. RIVAS: For favors.

17 MR. DIPAOLO: -- favors?

18 BOBO: No.

19 MR. DIPAOLO: Okay.

20 MR. MIYAR: In a previous interview you said that
21 Nygard provided 10 million dollars to the prime
22 minister. And that was for what?

23 BOBO: Nygard said that he give the prime minister
24 10 million dollars in the recording in the vehicle that
25 you guys provided for me.

1 MR. DIPAOLO: Uh-huh.

2 BOBO: Towards campaigning.

3 MR. DIPAOLO: Campaign contribution?

4 BOBO: Right.

5 MR. DIPAOLO: That typically deals with a campaign
6 contribution?

7 BOBO: Right.

8 TOGGIE: The PLP.

9 MR. DIPAOLO: For the PLP?

10 MR. RIVAS: For the PLP?

11 MR. DIPAOLO: Not for anything else?

12 BOBO: No. That's politics.

13 MR. DIPAOLO: That's the way politics is.

14 MR. RIVAS: Do you know a lady by the name of
15 Diane Phillips, Bobo?

16 BOBO: Diane Phillips? I can't recall. I'm not
17 sure. Diane Phillips.

18 MR. LAWSON: She's one of the directors for Save
19 the Bay.

20 BOBO: No, I don't know her or I might know her as
21 Diane Phillips.

22 MR. LAWSON: Well, you don't know?

23 BOBO: I don't know.

24 MR. RIVAS: Don Davis, he's the brother of Brave.

25 Don Davis, do you know him, the Deputy Prime Minister's

1 brother?

2 BOBO: I know a few brothers of Brave but I don't
3 know all their names.

4 MR. RIVAS: Don't know their names?

5 BOBO: No.

6 MR. RIVAS: So you don't know Don specifically
7 as --

8 BOBO: No.

9 MR. RIVAS: How many brothers does he have?

10 BOBO: Four. I think there's four. I'm not sure.

11 MR. RIVAS: Four brothers. You just don't know
12 their names?

13 TOGGIE: Four of them.

14 MR. RIVAS: Do you know of any of his brothers
15 that might have -- it's just hard to ask that.

16 BOBO: Ask the question.

17 MR. RIVAS: Yeah. Are you aware of any payments
18 by Nygard to any of Brave's brothers?

19 BOBO: No. I'm aware of a payment by Shane
20 Gibson's brother.

21 MR. RIVAS: Shane Gibson's brother?

22 BOBO: Gibson's brother.

23 MR. RIVAS: Do you know that brother's name?

24 TOGGIE: Eric.

25 BOBO: Eric Gibson.

1 MR. RIVAS: And he paid Mr. Nygard for what?
2 BOBO: It was Mr. Nygard paid him.
3 MR. RIVAS: Was paid by Mr. Nygard for what and
4 how much?
5 BOBO: I know that he bought some devices for us
6 before to record you guys.
7 MR. RIVAS: Recording?
8 BOBO: And Nygard paid him for that because he
9 flew in Miami for those.
10 MR. RIVAS: Right.
11 BOBO: And Nygard paid him for that. How much I
12 don't know.
13 MR. RIVAS: You don't know how much he got from
14 Mr. Nygard?
15 BOBO: No.
16 MR. LAWSON: Who is Shane Gibson?
17 BOBO: Minister of Labor.
18 MR. LAWSON: Who?
19 BOBO: Shane is the Minister of Labor.
20 MR. RIVAS: Minister of Labor?
21 TOGGIE: National Insurance and Labor.
22 BOBO: National Insurance and Labor.
23 MR. DIPAOLO: And that's who he went through to
24 buy the technical equipment that he gave you to record
25 us?

1 BOBO: Yes.

2 TOGGIE: Uh-huh.

3 MR. DIPAOLO: Which you never used?

4 BOBO: He doesn't know where it is.

5 MR. LAWSON: Which was what, a watch?

6 BOBO: A watch, a key chain, a few of them.

7 That's it.

8 MR. LAWSON: Okay.

9 MR. RIVAS: We talked about do you remember when
10 we talked about the road construction out there at the
11 Cay?

12 BOBO: At the?

13 MR. RIVAS: At Nygard Cay?

14 BOBO: Yeah. Cay.

15 MR. DIPAOLO: Cay.

16 MR. RIVAS: Oh, Cay. Is there any construction
17 out there going on right now?

18 BOBO: I haven't been there in quite some time so
19 I don't know.

20 MR. RIVAS: When there is a construction job, how
21 does that happen? How is it supposed to happen?

22 BOBO: The right procedures you have to go through
23 government. Anything outside of the road has to be
24 through government.

25 MR. RIVAS: Okay. And any construction. I'm not

1 just talking just that road but if you wanted to build
2 another building or any kind of construction.

3 BOBO: Right.

4 MR. RIVAS: Involving materials. So you have to
5 go through the government to get approval?

6 BOBO: Right.

7 MR. RIVAS: How are the materials brought in
8 there? Can you bring them by ship, can you bring them
9 by land?

10 BOBO: Nygard Cay or Bahamas?

11 MR. RIVAS: Nygard Cay.

12 BOBO: You can bring them through heavy big
13 trucks.

14 MR. RIVAS: Trucks?

15 BOBO: Big dump truck.

16 MR. RIVAS: And who would be the contractors that
17 would work on there?

18 BOBO: Nygard has hired contractors.

19 MR. RIVAS: Have you ever seen any particular
20 contractors on them?

21 BOBO: No. And no construction was going on on
22 Nygard Cay.

23 MR. RIVAS: You haven't seen any?

24 BOBO: No.

25 MR. LAWSON: But they did construct the road, a

1 road?

2 BOBO: A road.

3 MR. LAWSON: Right through the property.

4 BOBO: Yeah.

5 MR. DIPAOLO: This is the last question. We
6 discussed before LH who is Lawrence Harrison.

7 BOBO: Harrison, right.

8 MR. DIPAOLO: Okay. LH. And he was present, LH
9 was present at the courthouse that one time when --

10 BOBO: Right.

11 MR. DIPAOLO: -- Nygard went to court and stuff
12 like that and was doing a small demonstration out there
13 and Lawrence Harrison was out there as kind of like a
14 spokesperson; is that correct?

15 BOBO: Right.

16 MR. DIPAOLO: Okay. And I think at that point in
17 time you had told us before that LH was trying to
18 ingratiate himself which means he was trying to favor
19 himself with Nygard?

20 BOBO: Right.

21 MR. DIPAOLO: In saying that if you want me to,
22 I'll go kill Bacon for you?

23 BOBO: Yeah.

24 MR. DIPAOLO: Did he say that?

25 BOBO: Yes, he said that. He's a big mouth

1 talker.

2 MR. DIPAOLO: He's a big mouth talker and he said
3 that but he's talking shit?

4 BOBO: Talking shit to get money.

5 TOGGIE: Get money.

6 MR. DIPAOLO: To try to get money out of Nygard?

7 BOBO: He said you know I'll kill Louis Bacon for
8 you right fucking now, Chief. That's how he talk.

9 MR. DIPAOLO: Right. And what did Nygard tell
10 him?

11 BOBO: Just he walked in the car.

12 MR. DIPAOLO: And Nygard told you that why, he
13 doesn't really trust him?

14 TOGGIE: No.

15 BOBO: I don't trust him.

16 MR. DIPAOLO: Yeah.

17 BOBO: When you saw the photo on the phone.

18 MR. DIPAOLO: Right.

19 BOBO: He was asking me to talk to Nygard. He's
20 not afraid of nobody. Trust me.

21 MR. DIPAOLO: Which is one of these photos that
22 you just gave me; right?

23 BOBO: Yes.

24 MR. DIPAOLO: That's Lawrence Harrison?

25 BOBO: Yes.

1 MR. DIPAOLO: Okay. And even though LH told
2 Nygard that he would kill Bacon for him, do you think
3 that he would ever go to Lawrence Harrison to kill
4 Bacon?

5 BOBO: No.

6 MR. DIPAOLO: Lawrence Harrison is just a big
7 mouth?

8 BOBO: Just a big mouth.

9 MR. DIPAOLO: Okay. And you just gave me a
10 picture of Lawrence Harrison with this thing you gave
11 me?

12 BOBO: Yes.

13 MR. DIPAOLO: Okay.

14 BOBO: I just want to say something. I don't care
15 if you put it on record. I'm telling you the truth.
16 After I had that meeting with Nygard at Brightley's, I
17 think it was the 20th or 22nd, I thought I saw two cars
18 following me. Seriously. That's why I was so anxious
19 to get here. I don't drive straight. I look out my
20 mirrors all the time. And I count five, pass five
21 turns off. And I turned over, the car turn over again.
22 So I go in Bain Town where I'm very secure and I park
23 here. When I pull into Bain Town under a tree, it's a
24 huge crowd.

25 MR. DIPAOLO: Uh-huh.

1 BOBO: I just pull up there and there come the
2 car, the same two vehicles that were coming at
3 Brightley's that's what was following me. I have had
4 no idea who was in them. I'm not afraid but I'm
5 cautious. You understand? I told Toggie. I tell him,
6 I don't trust Nygard. I say when I see him face to
7 face, I will confront him about it and I'll find out
8 from him.

9 MR. DIPAOLO: Whether he had you followed?

10 BOBO: You understand?

11 MR. DIPAOLO: Uh-huh.

12 BOBO: I'm gonna tell him straight up, I will get
13 Toggie to work with you if you tell me the truth. I
14 need to know if them guys is following me or Toggie, to
15 find out from him.

16 MR. DIPAOLO: Whether or not he had you followed?

17 BOBO: Whether he had me followed or not.

18 MR. DIPAOLO: This could be your next conversation
19 with him?

20 BOBO: Because I'm sure they was following me. I
21 ain't taking no chance anymore.

22 MR. DIPAOLO: Okay. All right.

23 (Whereupon, the sworn statement was concluded at
24 1:05 P.M.)
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I, WISLER DAVILMA, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on February 4, 2016.

WISLER DAVILMA

Witness

Witness

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I, LIVINGSTON BULLARD, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on January 4, 2016.

~~W. J. Smith~~ Bullard
LIVINGSTON BULLARD

[Signature]
Witness

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SWORN STATEMENT

Avenida George Washington 367
Santo Domingo, Dominican Republic
February 4, 2016
10:25 A.M.

APPEARANCES:

- By: JOHN DIPAOLO.
- By: R. SCOTT RIVAS.
- By: JORGE MIYAR

SWORN STATEMENT

OF

WISLER DAVILMA A/K/A BOBO

1 -----
2 Thereupon:

3 WISLER DAVILMA A/K/A BOBO
4 a witness herein being of lawful age, and being first
5 duly sworn in the above cause, testified on his oath
6 as follows:

7 MR. DIPAOLO: Like Jorge said we want to go over
8 the people that were on the hit list; okay? And the
9 first, the one person, the first person we want to talk
10 about is Pericles. He was the one that you guys did
11 the most work on --

12 BOBO: Right.

13 MR. DIPAOLO: -- as far as following him and
14 whatever. So we just want to kind of go over that;
15 okay? Why don't you take it, Jorge, go off of that.

16 MR. MIYAR: Okay. Bobo, when was the first time
17 that Peter Nygard instruct you that he wanted Pericles
18 Mallis killed?

19 BOBO: I think everything was done at Nygard Cay.
20 Let me correct that. If I can remember, everything was
21 at Nygard Cay. I can't say -- I cannot remember the
22 exact date or time but it was on Nygard Cay.

23 MR. DIPAOLO: And when he discussed this hit list,
24 that was more of a conversation, he didn't write these
25 things down?

1 BOBO: No, just conversation.

2 MR. DIPAOLO: All right.

3 MR. MIYAR: It was done at Nygard Cay, was that at
4 his residence?

5 BOBO: Yeah.

6 MR. MIYAR: Do you know what room in his residence
7 or where inside his house?

8 BOBO: In his bedroom.

9 MR. MIYAR: In his bedroom?

10 BOBO: Yeah.

11 MR. MIYAR: And was there anybody else present?

12 BOBO: Leo was always there.

13 MR. MIYAR: Can you tell me Leo's full name?

14 BOBO: Leo Thurston.

15 MR. MIYAR: Okay. And what exactly did Peter
16 Nygard tell you? To the best of your recollection what
17 were his exact words?

18 BOBO: He said Pericles was being a pain in the
19 ass for him. Pericles was really fucking with him,
20 right, and he was very frustrated, very upset and he
21 was just tired of Pericles' way of doing business or
22 whatever. So he told us, say, man, if we could find
23 out who is Pericles Mallis. You understand? He said
24 he want us to deal with him directly.

25 So I really didn't know anything about Pericles

1 Mallis, me and Toggie. So he told us where his law
2 firm were. It was downtown across from the Hilton.
3 Once we know where his law firm was, I remember we sent
4 a girl inside, we sent a girl inside just to go meet
5 with him, have a discussion, everything, describe him
6 to us. You know what I mean? And I don't think he was
7 there that time but she if I'm correct, and I may be
8 off a bit, but anyway we get to meet him.

9 But personally we met Pericles a few months or a
10 year after face to face. But we saw him. When I say
11 face to face, we met him at Davis -- at Administrative
12 Works, that's Brave Davis' office.

13 MR. DIPAOLO: Okay.

14 BOBO: Because he's discussing business. But at
15 that time we had saw him.

16 MR. DIPAOLO: So you did see him there?

17 BOBO: At Administrative Works we saw him.

18 MR. DIPAOLO: Okay.

19 BOBO: We talked to him for the first time. But
20 he didn't know of us.

21 But at his law firm we saw him also. So we
22 followed him. We spent the whole day there following
23 him.

24 MR. DIPAOLO: So you sat outside his law office?

25 BOBO: Yeah.

1 MR. DIPAOLO: And then you saw him?

2 BOBO: He pulled up in a blue I think it's a
3 Suzuki van, like a small car.

4 MR. DIPAOLO: Like a Jeep Wrangler or a Suzuki
5 van?

6 BOBO: Right, just small.

7 MR. DIPAOLO: A car or a truck?

8 BOBO: Car.

9 MR. DIPAOLO: Okay.

10 BOBO: And his wife was following him. She walks
11 around with a little dog. I can't remember what kind
12 of dog. It's a very small dog. And he was like a
13 heavy type bright fellow, an elderly man. And he walk
14 in his office. He only spend half a day there. And I
15 think his son wraps up the day and he goes home. He
16 lives somewhere in Adelaide Village.

17 MR. DIPAOLO: Where?

18 BOBO: Adelaide. Adelaide Village.

19 MR. DIPAOLO: Adlid?

20 BOBO: Adelaide.

21 MR. DIPAOLO: Okay. I'm not sure where that is.

22 MR. RIVAS: A-D Lid L-I-D.

23 BOBO: A-D-D.

24 MR. DIPAOLO: A-D-D?

25 BOBO: Right.

1 MR. MIYAR: When you said that Nygard wanted you
2 to deal with him, what do you mean by that?

3 BOBO: Bahamians say deal mean take care of
4 business, kill. That's the way Bahamians talk.

5 MR. MIYAR: Okay.

6 BOBO: Him coming to the Bahamas so he adapt some
7 of the language. So if you hear me say deal it mean
8 kill or have him, how do you guys say, have him dealt
9 with.

10 MR. DIPAOLO: Have him dealt with?

11 BOBO: Right.

12 MR. DIPAOLO: Okay. Same thing?

13 BOBO: Same thing.

14 MR. MIYAR: So Nygard told you where his law
15 office was?

16 BOBO: Right.

17 MR. MIYAR: You sent a girl to identify him?

18 BOBO: Right.

19 MR. MIYAR: And when was the first time you
20 actually did a surveillance on him to follow him?

21 BOBO: I can't -- I can't remember exact dates.

22 MR. MIYAR: Was it last year, 2015?

23 MR. DIPAOLO: Let's use as a timetable let's use
24 the demonstration which was June of 2014.

25 BOBO: Right. Let's use that.

1 MR. DIPAOLO: So was it before the demonstration
2 or after the demonstration?

3 BOBO: It's before the demonstration.

4 MR. DIPAOLO: Right. So the demonstration was
5 June of 2014 so then we're probably talking sometime in
6 the Spring of 2014?

7 BOBO: Right.

8 MR. DIPAOLO: Correct?

9 BOBO: Correct.

10 MR. DIPAOLO: Maybe a couple months before or
11 so --

12 BOBO: Right.

13 MR. DIPAOLO: -- timeframe? Okay. So that gives
14 us a general time. We don't need the exact date that
15 it happened but at least we know generally what
16 timeframe.

17 MR. MIYAR: And what did Peter Nygard tell you he
18 was gonna pay you if you killed Pericles Mallis?

19 BOBO: Huge sums of money.

20 MR. DIPAOLO: Nothing specific but just huge sums
21 of money?

22 BOBO: Said you guys would be very pleased.

23 MR. DIPAOLO: When he was discussing this did he
24 give you a timeframe that it needed to be done or was
25 it at your own discretion?

1 BOBO: He wanted it done as soon as possible.

2 MR. DIPAOLO: But you do it when you find fit or
3 did he say, I want it done by this Saturday or
4 whatever?

5 BOBO: When we find fit. Because for instance if
6 you guys say you're gonna meet me here at 3:00, you're
7 not gonna be here at 3:00, you're gonna be here at
8 2:00.

9 MR. DIPAOLO: Right.

10 BOBO: You understand? So I'm not gonna be there
11 at a time when he says. I'm gonna do it on my time.

12 MR. DIPAOLO: Right. So you were gonna do it on
13 your own timetable?

14 BOBO: Right.

15 MR. DIPAOLO: Okay.

16 MR. MIYAR: And when he told you to do this
17 contract killing, was anybody else present that may
18 have witnessed it when he first told you this?

19 BOBO: Leo. Me and Toggie was there. Me and
20 Toggie was there.

21 MR. MIYAR: Anyone else?

22 BOBO: Leo.

23 MR. MIYAR: So Leo Thurston was there?

24 BOBO: Yeah.

25 MR. MIYAR: Then take us through when you followed

1 him to --

2 BOBO: His residence?

3 MR. MIYAR: Whatever the first thing you did.

4 BOBO: I sit and relax. I sit in the car and
5 relax. Me and Toggie relax. We followed him. He
6 drove west of Cable Beach. And we just scope him out
7 like an ordinary person.

8 MR. MIYAR: And what was he driving again?

9 BOBO: He was driving a regular old car, a blue
10 car.

11 MR. RIVAS: A Suzuki car?

12 BOBO: Suzuki car or -- I know it's a blue car.

13 MR. MIYAR: Correct.

14 BOBO: It's a blue car. I'm not sure of the name.
15 I know it's a blue car.

16 MR. MIYAR: And you guys were driving what?

17 BOBO: My Honda.

18 MR. DIPAOLO: Your Honda which is a gold Honda
19 Accord; right?

20 BOBO: Uh-huh.

21 MR. MIYAR: And you followed him to where?

22 BOBO: We followed him a few places. I think one
23 was Shirley Street, I think one. I try to remember if
24 it was his car we bump or -- and we bump onto the car,
25 right.

1 MR. DIPAOLO: You bumped his car?

2 MR. RIVAS: The very first surveillance?

3 BOBO: I can't remember. It was a very long time
4 with -- with -- with --

5 MR. DIPAOLO: Pericles?

6 BOBO: Pericles. It was a very long time ago. I
7 can't remember. I'm trying to remember if it's on
8 Shirley Street.

9 MR. DIPAOLO: That's okay.

10 BOBO: Or Killian Street.

11 MR. DIPAOLO: All right. So you followed him?

12 BOBO: We followed him.

13 MR. DIPAOLO: And was it just one time you
14 followed him or was there a couple times that you
15 followed him?

16 BOBO: We followed him about twice say.

17 MR. DIPAOLO: Twice. Okay. So one of the times
18 that you followed him you bumped him?

19 BOBO: Right.

20 MR. DIPAOLO: Can you explain a little bit what
21 happened there?

22 BOBO: When we bumped him --

23 MR. DIPAOLO: You were driving your car again,
24 your gold Honda Accord?

25 BOBO: Right.

1 MR. DIPAOLO: Okay.

2 BOBO: We bumped him so he could stop. But then
3 too many people were around at the time so continue
4 moving.

5 MR. DIPAOLO: And what would you have done after
6 you bumped him if he got out?

7 BOBO: At the time? When an ordinary person been
8 like following you, you have to deal with them.

9 MR. DIPAOLO: You're gonna deal with them then.
10 And how were you gonna deal with him?

11 BOBO: I was gonna off him.

12 MR. DIPAOLO: Hum?

13 BOBO: I was gonna shoot him.

14 MR. DIPAOLO: You were gonna shoot him. Okay.

15 MR. MIYAR: So that was the plan, bump him, he
16 gets out, if there is no witnesses you can shoot him?

17 BOBO: Right.

18 MR. MIYAR: With what type of guns?

19 BOBO: A 9 millimeter.

20 MR. MIYAR: 9 millimeter?

21 BOBO: Or a 45 Special.

22 MR. MIYAR: A 45 and a 9 millimeter?

23 BOBO: Yeah.

24 MR. MIYAR: Do you know what type of guns, whether
25 a Smith & Wesson? Was it a --

1 BOBO: Smith & Wesson.

2 MR. MIYAR: Okay. And where did you get the guns,
3 if you want to answer that?

4 BOBO: Hum?

5 MR. MIYAR: Where did you get the guns?

6 BOBO: Strictly we're street guys. It's easy for
7 anybody to get a gun.

8 MR. MIYAR: Okay. So when you bumped him was it
9 hard? Was it hard?

10 BOBO: It would be enough for him to stop.

11 MR. MIYAR: And what happened? What did he do?

12 BOBO: A guy like you in the Bahamas if we bump,
13 you're gonna stop. Seriously. It's your car. You
14 understand? You want to check your vehicle.

15 MR. MIYAR: Right.

16 BOBO: A guy like me someone bump me I'd probably
17 brush it off and say it's not hard. You know what I
18 mean? Okay. You know what I mean? But if a crowd
19 around, the first thing you're gonna ask, I want to
20 wait on the police. I'm serious.

21 MR. DIPAOLO: Okay.

22 BOBO: So I never wait on the police because you
23 don't know how us guys think. You're an out of townner,
24 even though you live there. You understand?

25 MR. RIVAS: You were driving?

1 BOBO: (Whereupon, Bobo nodded his head.)

2 MR. MIYAR: So when you bumped his car, what did
3 he do?

4 BOBO: He stopped. If I remember, he stopped. He
5 stopped. Yeah, he stopped. But there were too many
6 people around at that time.

7 MR. DIPAOLO: And at the time that you bumped that
8 car, was it still that blue car that you bumped or was
9 it a different colored car?

10 BOBO: I think it was the blue car.

11 MR. DIPAOLO: You think it was still the blue car?

12 BOBO: Yeah.

13 MR. DIPAOLO: Okay.

14 MR. RIVAS: Was it morning, afternoon, nighttime?

15 BOBO: It was midday.

16 MR. RIVAS: Midday.

17 MR. MIYAR: And do you recall where it was that
18 you bumped him, the location?

19 BOBO: I'm trying to remember if it's on Shirley
20 Street or I'm trying to remember if it's on the
21 downtown area.

22 MR. MIYAR: Do you recall what he was wearing that
23 day?

24 BOBO: No.

25 MR. MIYAR: And you followed him from his law

1 office?

2 BOBO: Right.

3 MR. MIYAR: Okay.

4 MR. RIVAS: Was he the only one in the car?

5 BOBO: Yeah.

6 MR. MIYAR: Did you get the money from Nygard to
7 purchase the pistols?

8 BOBO: Yeah, man. I think Nygard give us \$10,000
9 each.

10 MR. MIYAR: So he gave you \$10,000 each to do the
11 hit before?

12 BOBO: He always gives the money before. But he's
13 the type of fellow he like to have a job done first.

14 MR. MIYAR: So part of that \$10,000 that you each
15 got, you purchased the semiautomatic pistols?

16 BOBO: Right.

17 MR. MIYAR: And why didn't it happen? Why didn't
18 the contract happen?

19 BOBO: Too many people came out at that time.

20 MR. DIPAOLO: And he didn't get out?

21 BOBO: No.

22 MR. MIYAR: And do you know where Pericles Mallis
23 lives?

24 BOBO: He lives in I think -- I think
25 it's yellow -- yellow/white house or --

1 MR. DIPAOLO: Is that kind of out -- it's not
2 Lyford Cay, is it kind of out in the country more? Is
3 there a lot more land around his house or is it a busy
4 subdivision?

5 BOBO: There's more like land around his house.

6 MR. DIPAOLO: More land?

7 BOBO: They call it Adelaide Village.

8 MR. DIPAOLO: Adlid Village. Right.

9 BOBO: Right.

10 MR. DIPAOLO: But it's not like houses on top of
11 each other, it's more the houses are more spread out?

12 BOBO: Right. But it's a one way in.

13 MR. DIPAOLO: Uh-huh.

14 BOBO: And one way out. Only one way to go in and
15 one way to come right back out.

16 MR. DIPAOLO: Okay. So one main road into the
17 place and --

18 BOBO: You'll be on the main road.

19 MR. DIPAOLO: Uh-huh.

20 BOBO: And once you turn off this main road --

21 MR. DIPAOLO: That's it?

22 BOBO: To go. It's -- it's a village. That's why
23 they say it's Adelaide Village.

24 MR. DIPAOLO: Okay.

25 MR. MIYAR: And did you ever do a driveby or

1 surveillance of his house to know where he lives?

2 BOBO: Yeah.

3 MR. MIYAR: When did you do that?

4 BOBO: I can't remember the date on that.

5 MR. MIYAR: But you saw with your own eyes his
6 house?

7 BOBO: Yeah.

8 MR. MIYAR: That's where you were taking --

9 BOBO: I know where he lives.

10 MR. MIYAR: To find him?

11 BOBO: Yeah.

12 MR. MIYAR: Okay. And were you certain that it
13 was him the day you followed him?

14 BOBO: Yeah.

15 MR. MIYAR: Okay. And was there a second time
16 that you followed him? Because you couldn't do the job
17 the first time --

18 BOBO: No.

19 MR. MIYAR: -- was there a second time?

20 BOBO: Yeah, it was a second time. The date? The
21 date? I can't exactly remember the date.

22 MR. DIPAOLLO: That's fine. Just timeframes is
23 good.

24 BOBO: Uh-huh.

25 MR. MIYAR: And, well, tell us about the second

1 time. Where did you start? Where did you go?

2 BOBO: We always start at his law firm.

3 MR. MIYAR: Okay. And what car was he driving
4 that time?

5 BOBO: I think it's the same -- same car.

6 MR. MIYAR: And where did you follow him to the
7 second time?

8 BOBO: Shirley Street.

9 MR. MIYAR: And why couldn't the job be done on
10 that second occasion?

11 BOBO: I can't remember. I can't.

12 MR. RIVAS: Was there a bump that time?

13 BOBO: I think the bump happened on the second --
14 the second time we followed him. The first time was
15 just to identify him.

16 MR. DIPAOLO: Just to identify him and follow him
17 around?

18 BOBO: It was, yeah.

19 MR. MIYAR: Did you have any masks or anything to
20 cover your face?

21 BOBO: You're not gonna do a job stupidly. Come
22 on.

23 MR. MIYAR: Okay. So you were prepared with
24 masks?

25 BOBO: Right.

1 MR. MIYAR: In case you had to go out and shoot?

2 BOBO: (Whereupon, Bobo nodded his head.)

3 MR. MIYAR: And he never stopped? After the bump
4 he never stopped?

5 BOBO: No.

6 MR. MIYAR: He kept on going?

7 BOBO: No. See, he had slowed down. People came
8 out. It's a busy area where a crowd of people was.

9 MR. MIYAR: So you had difficulty really trying to
10 get him?

11 BOBO: Right.

12 MR. MIYAR: So there came a time when you found
13 out where his sister lived. Can you tell us about how
14 you found his sister?

15 BOBO: I know his sister live on top of the hill
16 in Gambier.

17 MR. DIPAOLO: Gambier?

18 BOBO: It's another village.

19 MR. DIPAOLO: Another village?

20 BOBO: It's called Gambier Village.

21 MR. DIPAOLO: Okay.

22 MR. MIYAR: Okay. How did you find out where his
23 sister lives?

24 BOBO: I'm trying to remember if me and Toggie was
25 together. Wow. I don't remember. I know me and

1 Toggie -- wow. I don't remember if Toggie -- I'm not
2 sure if Toggie had told me or me and Toggie were
3 together.

4 MR. DIPAOLO: When you found out?

5 BOBO: When we found out. I can't remember for
6 sure. I'm not gonna lie.

7 MR. DIPAOLO: That's fine. So you find out that
8 he has a sister?

9 BOBO: Right.

10 MR. DIPAOLO: So why did you go by the sister's
11 house?

12 BOBO: At first we got information and think he
13 just be there.

14 MR. DIPAOLO: Okay.

15 BOBO: You understand?

16 MR. DIPAOLO: So you were looking for him?

17 BOBO: Right.

18 MR. DIPAOLO: So you figured, all right, so I know
19 now where his sister lives?

20 BOBO: Right.

21 MR. DIPAOLO: So now let's go by her. So what did
22 you do when you went by in Gambier, this subdivision
23 Gambier? So you go by, you identified her house
24 because somebody told you the address?

25 BOBO: Right.

1 MR. DIPAOLO: And described the house to you. And
2 then what did you do once you got there?

3 BOBO: We scope out the place.

4 MR. DIPAOLO: Okay.

5 BOBO: We scope. What's the easiest access to get
6 in. You understand?

7 MR. DIPAOLO: Right. So he wasn't there at this
8 time?

9 BOBO: No.

10 MR. DIPAOLO: Okay. Did she come out? Did you
11 see what may have been his sister?

12 BOBO: I'm not sure. I think I saw her before but
13 I'm not sure.

14 MR. DIPAOLO: Okay. Okay. So then other than you
15 going there, checking out the house, looking for him,
16 he wasn't there, then you didn't do anything else?

17 BOBO: No.

18 MR. DIPAOLO: You only went one time or several
19 times?

20 BOBO: Went there about twice.

21 MR. DIPAOLO: Twice. Okay. And both times
22 Pericles was not there?

23 BOBO: No.

24 MR. DIPAOLO: Okay. So as far as Pericles is
25 concerned, you went to his law office?

1 BOBO: Right.

2 MR. DIPAOLO: At least a couple of times looking
3 for him?

4 BOBO: Yeah.

5 MR. DIPAOLO: One time you sent a girl in but he
6 wasn't there?

7 BOBO: Right.

8 MR. DIPAOLO: You went by his sister's house a
9 couple times, again, looking for him, he wasn't there,
10 and then you went by his house?

11 BOBO: Right.

12 MR. DIPAOLO: And you know exactly where his house
13 is right there?

14 BOBO: I know where his house is.

15 MR. DIPAOLO: And you know exactly where his house
16 is?

17 BOBO: Right.

18 MR. DIPAOLO: Okay. And then you followed him at
19 least twice. And one time you bumped him to try to get
20 him to come out of his car and he didn't?

21 BOBO: Right.

22 MR. DIPAOLO: If he got out of his car that's when
23 you were gonna hit him if the situation was correct?

24 BOBO: Correct.

25 MR. DIPAOLO: So is that a good summary of what

1 happened with Pericles?

2 BOBO: Yeah.

3 MR. DIPAOLO: Okay.

4 MR. RIVAS: And Mr. Nygard only gave you the one
5 \$10,000 at the front end. Did he give you anything at
6 the back end?

7 BOBO: If Nygard's in town once I'm able to talk
8 to him, we discuss everything that happened, he always
9 gives like thousands of dollars. You understand? Like
10 his girlfriend house -- shop, when that got burned
11 down, he paid us for that at Nygard Cay.

12 MR. RIVAS: So he paid you for the two
13 surveillances and finding out and trying?

14 BOBO: Yeah. Yeah.

15 MR. RIVAS: Do you remember what that payment was?

16 BOBO: I think it was \$10,000.

17 MR. RIVAS: Each?

18 BOBO: Yeah.

19 MR. DIPAOLO: Okay.

20 MR. MIYAR: So you couldn't deal with Pericles so
21 when you reported back to Nygard what did he say?

22 BOBO: He's very pissed.

23 MR. MIYAR: Do you remember what he told you
24 exactly?

25 BOBO: Told us, what am I hiring you fucking guys

1 for? That's the way he talk. You do a job and you're
2 fucking around. You understand? I said, Chief, we can
3 get the job done, Chief, not to worry.

4 MR. MIYAR: So he still wanted you to do it?

5 BOBO: Yup.

6 MR. MIYAR: Does he still want you to do it?

7 BOBO: Do he still want us to do it?

8 MR. MIYAR: He still wants you to kill Pericles?

9 BOBO: Lately he hasn't mentioned Pericles. His
10 mind is just focused on Louis Bacon.

11 MR. MIYAR: Okay. Was he happy with your
12 explanation that you couldn't get him?

13 BOBO: He may seem happy but if it was me I
14 wouldn't be happy. So I don't think he was happy.

15 MR. MIYAR: Now do you know Pericles Mallis'
16 sister's name?

17 BOBO: No, I can't remember her name.

18 MR. MIYAR: Did you ever follow her anywhere?

19 BOBO: I can't remember, seriously.

20 MR. MIYAR: Did you ever follow any other members
21 of Pericles' family or people that worked at his
22 office?

23 BOBO: I think we followed her before.

24 MR. MIYAR: Who?

25 BOBO: His sister.

1 MR. RIVAS: What does she drive?

2 BOBO: I can't remember the car she drive.

3 MR. MIYAR: And did you follow her from where?

4 BOBO: I can't remember that.

5 MR. MIYAR: Okay. But the purpose of following
6 her was to find --

7 BOBO: Pericles.

8 MR. MIYAR: -- Pericles?

9 BOBO: Right.

10 MR. MIYAR: And can you recall the approximate
11 month that all this happened?

12 BOBO: Whoa.

13 MR. MIYAR: If you can't remember --

14 BOBO: I can't.

15 MR. MIYAR: -- that's fine.

16 MR. DIPAOLO: And we said sometime before the
17 first demonstration?

18 BOBO: Right.

19 MR. DIPAOLO: Which would have been Spring of 2014
20 somewhere?

21 BOBO: Right.

22 MR. MIYAR: The time that you bumped his car, was
23 it morning or evening?

24 BOBO: I think it was afternoon.

25 MR. MIYAR: Afternoon. Okay.

1 MR. DIPAOLO: So it was still light out so you
2 could see him?

3 BOBO: Right.

4 MR. DIPAOLO: Okay. We spoke that his motivation
5 for Pericles was -- what did he say to you, why was
6 Pericles a person that Nygard did not like?

7 BOBO: I think from my point of view and the best
8 of my knowledge Pericles was the one who -- Pericles --
9 I think Pericles and Fred Smith, who has a law firm in
10 Freeport, works together. I may be wrong. I'm not
11 sure. And they work together against him on his case.

12 MR. DIPAOLO: Okay.

13 BOBO: For Louis Bacon.

14 MR. DIPAOLO: All right. So in some way Pericles
15 was involved as an attorney against Nygard?

16 BOBO: Right.

17 MR. DIPAOLO: Is that correct?

18 BOBO: Right.

19 MR. DIPAOLO: Okay. So as a result of Pericles
20 going after Nygard, for whatever reason it was, that
21 was why he wanted you guys to take him out?

22 BOBO: Right.

23 MR. DIPAOLO: Is that correct?

24 BOBO: Right.

25 MR. DIPAOLO: To the best of your knowledge?

1 BOBO: Right.

2 MR. DIPAOLO: Did Nygard ever tell you
3 specifically, you know, it was this, this, this and
4 this or he's just coming after me? And I mean when he
5 had this conversation with you at his house in his
6 bedroom when he discussed the people on this hit list
7 to you, which we identified as four people, what did he
8 say about Pericles to you just generally?

9 BOBO: I can't remember. I don't want to say the
10 wrong thing.

11 MR. DIPAOLO: No. It's fine. That's fair. But
12 basically to the best of your knowledge, your
13 recollection, is that he is an attorney and he was
14 coming after Nygard for some reason in his position as
15 being an attorney?

16 BOBO: Right.

17 MR. DIPAOLO: And that upset Nygard enough that he
18 wanted him taken care of?

19 BOBO: Right.

20 MR. DIPAOLO: Generally that's somewhere in the
21 ballpark; correct?

22 BOBO: Right.

23 MR. DIPAOLO: Okay.

24 BOBO: It was something serious that he was doing
25 to Nygard for Nygard to say what he had said.

1 MR. DIPAOLO: Very good. All right.

2 MR. MIYAR: The second individual on the contract
3 hit list was an individual named Fred Smith. Can you
4 please tell us what Nygard told you about Fred Smith,
5 why he wanted him killed and where it was the first
6 time, where he told you?

7 BOBO: At Nygard Cay. From the best of my
8 knowledge it was at Nygard Cay. He discussed about
9 Fred Smith and we were asking him -- like he asked us,
10 you know, are we familiar with Fred Smith. I told him
11 I heard the name but I'm not familiar with him.

12 We did some investigation and found out who Fred
13 Smith was, where his law firm, where he lives.

14 MR. DIPAOLO: And where did you find out where his
15 law firm was?

16 BOBO: His law firm is in Freeport, Grand Bahama.

17 MR. DIPAOLO: Okay.

18 BOBO: Because we have connected.

19 MR. DIPAOLO: You have connections there in
20 Freeport?

21 BOBO: Right, in Freeport. And we found out his
22 law firm. And we found out that -- who he's pretty
23 close with actually.

24 MR. DIPAOLO: Oh, yeah? And who did you find out
25 he was close with?

1 BOBO: He was pretty cool with Michael Pintard.

2 MR. DIPAOLO: Oh, yeah?

3 BOBO: Yeah.

4 MR. DIPAOLO: Okay.

5 BOBO: And John Bostwick.

6 MR. DIPAOLO: And John Bostwick?

7 BOBO: Right.

8 MR. DIPAOLO: Okay.

9 BOBO: And John Bostwick and Michael Pintard are
10 best friends. And Michael Pintard -- Fred Smith,
11 Michael Pintard lives in Grand Bahama, Freeport.

12 MR. DIPAOLO: Uh-huh. And they're good friends?

13 BOBO: They're good friends.

14 MR. DIPAOLO: Just from what you found out through
15 your contacts?

16 BOBO: Right.

17 MR. DIPAOLO: Okay. All right. So now you know
18 that his law office is over there and he lives in
19 Freeport?

20 BOBO: Right. I met him also.

21 MR. DIPAOLO: I'm sorry?

22 BOBO: I met him also.

23 MR. DIPAOLO: You met Fred Smith?

24 BOBO: Yup.

25 MR. DIPAOLO: Where did you meet Fred?

1 BOBO: I met Fred Smith when you guys did the
2 injunction on Nygard he had to go to court. Fred Smith
3 was there.

4 MR. DIPAOLO: Oh, okay. I didn't do the
5 injunction but the attorneys did the injunction.

6 BOBO: The attorneys, yeah.

7 MR. DIPAOLO: So then you went to court and Fred
8 Smith was there at court?

9 BOBO: Yeah.

10 MR. DIPAOLO: All right. And you saw him there?

11 BOBO: Right.

12 MR. DIPAOLO: Okay.

13 BOBO: The first time I ever seen him.

14 MR. DIPAOLO: All right. But back when you were
15 finding out about him for Nygard to take care of him --

16 BOBO: Yup.

17 MR. DIPAOLO: -- as you said -- well, first of
18 all, you said the motivation, what was the motivation
19 with Fred?

20 BOBO: Yeah.

21 MR. DIPAOLO: What was the motivation with Fred?

22 BOBO: Nygard was very pissed, upset. He said
23 Fred Smith keeps fucking with him, keeps pissing him
24 off, annoying him. And he said that Fred Smith was
25 Louis Bacon's lawyer. You know what I mean? And Fred

1 Smith doesn't know anything about him. And he said
2 he'd like to take care of it if he can himself but --
3 you know what I mean?

4 MR. DIPAOLO: Right.

5 MR. MIYAR: So you did investigations. Who did
6 the investigation for you?

7 BOBO: For Fred Smith?

8 MR. MIYAR: To locate Fred Smith.

9 BOBO: We're connected in Freeport. I told you,
10 we're very connected in Freeport. And I know --

11 MR. DIPAOLO: Okay. So then --

12 MR. MIYAR: So did the people you know in
13 Freeport, did they actually drive by his house?

14 BOBO: They live in Freeport. They live in
15 Freeport. They know everyone in Freeport. I'm not
16 from Freeport but they live in the Bahamas here so I
17 would be able to find your law firm, your office, your
18 home, where you have your sweetheart if I have to.

19 MR. MIYAR: But did the people you know in
20 Freeport go by Smith's house?

21 BOBO: Right.

22 MR. MIYAR: And describe it to you?

23 BOBO: The law firm.

24 MR. DIPAOLO: The law firm?

25 MR. MIYAR: The law firm in Freeport?

1 BOBO: In Freeport.

2 MR. RIVAS: Not his residence?

3 BOBO: No. I can't remember the part about his
4 residence but I remember about the law firm.

5 MR. DIPAOLO: Okay. Did they ever tell you that
6 they know generally where he lives?

7 BOBO: Yeah, they know where he live but I don't
8 know.

9 MR. DIPAOLO: But did they tell you, your
10 contacts?

11 MR. RIVAS: Your connections?

12 BOBO: Yeah.

13 MR. DIPAOLO: They said, I know where he lives and
14 I know where his law firm is?

15 BOBO: Yeah.

16 MR. DIPAOLO: Okay. Did they explain to you where
17 he lives? I mean -- I mean I know you --

18 BOBO: They did at the time.

19 MR. DIPAOLO: Okay.

20 BOBO: But I can't remember because I don't know
21 Freeport. I wouldn't be able to tell you anything.

22 MR. DIPAOLO: Okay.

23 MR. MIYAR: And what was your plan to get Fred
24 Smith, to kill Fred Smith, how were you gonna do it?

25 BOBO: Basically in Freeport you go on a boat or a

1 plane, spend a few days there. You understand?

2 MR. DIPAOLO: Uh-huh.

3 BOBO: Basically everything happens in Freeport,
4 the orders, what the date is, Freeport first. You
5 understand? I don't have to carry a revolver or
6 anything in Freeport. I could just go to Freeport, you
7 understand, and have one handed over to me.

8 MR. MIYAR: Okay. And what did Nygard pay you for
9 that?

10 BOBO: \$10,000 at Nygard Cay.

11 MR. DIPAOLO: Did you ever follow or see Fred
12 Smith in Nassau during that timeperiod when you were
13 looking for him to try to --

14 BOBO: No. Not that I can remember, no.

15 MR. DIPAOLO: Okay. So the overall basis of Fred
16 Smith is that Nygard was upset with him because he's an
17 attorney and he's an attorney for Louis Bacon, he's a
18 pain in the ass for Nygard, he's coming after him, so
19 for basically those reasons he was on the hit list?

20 BOBO: Yeah.

21 MR. DIPAOLO: And the work that you did on it was
22 that you went through your contacts in Freeport --

23 BOBO: Yeah.

24 MR. DIPAOLO: -- who advised you they know where
25 he lives and they know where his law office is but

1 other than that you never traveled to Freeport?

2 BOBO: I traveled to Freeport before but not on
3 that.

4 MR. DIPAOLO: For the purpose of finding Fred
5 Smith.

6 BOBO: No.

7 MR. DIPAOLO: Okay. No. So all you did then is
8 basically you did some general background information
9 --

10 BOBO: Right.

11 MR. DIPAOLO: -- from your friends about where he
12 lives but other than that you didn't, you know, like
13 Pericles, you didn't bump his car, you didn't follow
14 him, you didn't attempt to kill him at any point
15 because he was over in Freeport and you were in Nassau?

16 BOBO: Right.

17 MR. DIPAOLO: And you never saw him --

18 BOBO: Right.

19 MR. DIPAOLO: -- during that timeperiod you were
20 looking for him in Nassau where you would have had
21 access to him; is that correct?

22 BOBO: Right.

23 MR. DIPAOLO: So pretty much is that a pretty good
24 summary?

25 BOBO: Yeah. Yes.

1 MR. DIPAOLO: Of what you did for Fred Smith?

2 BOBO: For Nygard?

3 MR. DIPAOLO: For Nygard, yes.

4 BOBO: Yeah.

5 MR. DIPAOLO: After Fred Smith. Yes. Okay.

6 MR. RIVAS: Do you know anything about his vehicle
7 being attacked?

8 BOBO: Who.

9 MR. RIVAS: Fred's.

10 BOBO: No. I can't remember that, no.

11 MR. DIPAOLO: You didn't have anything to do with
12 that I guess?

13 BOBO: No.

14 MR. DIPAOLO: But I guess somebody went after Fred
15 way even before you met Nygard. Did you ever hear
16 about that?

17 BOBO: I'm hearing about it now.

18 MR. DIPAOLO: Okay.

19 BOBO: To the best of my knowledge.

20 MR. DIPAOLO: But at the time you had no
21 information about that?

22 BOBO: No.

23 MR. DIPAOLO: Okay. Okay.

24 MR. MIYAR: In April of 2013 Fred Smith got
25 attacked in his car at Jaws Beach.

1 BOBO: Fred Smith?

2 MR. MIYAR: Yes. Do you know anything in the
3 street, rumors or anything?

4 BOBO: Fred Smith never got attacked at Jaws
5 Beach. It was Keod Smith.

6 MR. MIYAR: Well, Fred Smith got attacked.

7 BOBO: Keod Smith.

8 MR. MIYAR: Keod Smith.

9 BOBO: Keod Smith, yeah. Not Fred Smith.

10 MR. DIPAOLO: So Keod got attacked at one point?

11 BOBO: Right.

12 MR. DIPAOLO: But you have no knowledge of Fred
13 getting attacked?

14 BOBO: No.

15 MR. DIPAOLO: Okay.

16 MR. MIYAR: Okay.

17 BOBO: I remember that clear as day.

18 MR. DIPAOLO: Okay. So you know Keod Smith?

19 BOBO: Yes, I know Keod Smith. I met Keod Smith.
20 I have Keod Smith's number in my phone I think. I'm
21 not sure.

22 MR. DIPAOLO: Does Keod Smith have a relationship
23 with Nygard?

24 BOBO: A very good relationship.

25 MR. DIPAOLO: What is that relationship?

1 BOBO: He's an attorney to Save The Bay. And I
2 think he represent Nygard in court, too.

3 MR. DIPAOLO: In court?

4 BOBO: Yeah.

5 MR. DIPAOLO: So he's sort of his attorney?

6 BOBO: Right.

7 MR. DIPAOLO: Okay. Was Keod Smith ever involved
8 in any of the KKK --

9 BOBO: Yeah.

10 MR. DIPAOLO: -- demonstrations?

11 BOBO: Keod Smith I think there was one of them,
12 the one on Junkanoo.

13 MR. DIPAOLO: In Junkanoo?

14 BOBO: Right.

15 MR. DIPAOLO: So he's the one that kind of
16 organized that one kind of like how you and Toggie did
17 the one --

18 BOBO: Right.

19 MR. DIPAOLO: -- in June, he did the one at
20 Junkanoo?

21 BOBO: Right.

22 MR. DIPAOLO: So where he, again, they got
23 t-shirts and KKK --

24 BOBO: Right.

25 MR. DIPAOLO: -- and you're saying that he kind of

1 organized that for Nygard?

2 BOBO: Right.

3 MR. DIPAOLO: Okay.

4 MR. MIYAR: Do you know if Nygard paid him
5 anything for that?

6 BOBO: Nygard pay everybody.

7 MR. DIPAOLO: You don't do anything for free;
8 right?

9 BOBO: Don't do anything free.

10 MR. DIPAOLO: All right.

11 BOBO: Sometime he may be late but you get paid.

12 MR. DIPAOLO: Did you have a relationship with
13 Keod Smith at all?

14 BOBO: No.

15 MR. DIPAOLO: I mean I know you know him.

16 BOBO: I don't have a relationship with Keod
17 Smith.

18 MR. DIPAOLO: You don't do anything together with
19 him?

20 BOBO: No.

21 MR. DIPAOLO: Do you plan anything together with
22 him?

23 BOBO: He once told me and Toggie that he wanted
24 us to have -- he wanted to have a support for Nygard
25 when he goes to court.

1 MR. DIPAOLO: Right.

2 BOBO: I told Toggie I feel Keod Smith was using
3 us to gain money from Nygard. He orchestrated it. I
4 said, we do things our way, let Keod Smith do things
5 his way.

6 MR. DIPAOLO: Okay. And then I don't know if we
7 discussed this before but there was a gentleman, his
8 name was Tony Hepburn, he was an older gentleman who
9 was kayaking around Jaws Beach and somehow came up
10 missing and they found his kayak in a cavern or cave or
11 something like that.

12 MR. MIYAR: Near the beach.

13 MR. DIPAOLO: Near the beach. Do you know
14 anything about Mr. Tony Hepburn or anything about that
15 incident or ever heard Nygard talk about it?

16 BOBO: I know there was a guy, I don't know if
17 it's Tony Hepburn.

18 MR. DIPAOLO: Okay.

19 BOBO: I know there was a guy -- who was he? He
20 was involved in something concerning Nygard. I don't
21 know if it's Save the Bay or anything about it. I know
22 we heard talks on the street that some -- I don't know
23 if this guy was jogging or whatever but I heard talks
24 that I don't know if he's shot or killed but they
25 arrest some people whoever they think.

1 MR. DIPAOLO: They arrested some people who shot
2 and killed him?

3 BOBO: Yeah. I don't know.

4 MR. DIPAOLO: This is a different incident. This
5 gentleman here was kayaking around Jaws Beach and was
6 taking pictures, which I guess was fairly close to
7 Nygard Cay.

8 BOBO: I haven't heard.

9 MR. DIPAOLO: All right.

10 BOBO: But I heard an incident happened around
11 that area, not kayaking or whatever.

12 MR. DIPAOLO: Jogging or something?

13 BOBO: What's the name of the restaurant? I can't
14 remember that. I hear an incident happen before. Me
15 and Toggie was talking about that in the Turks.

16 MR. DIPAOLO: Uh-huh.

17 BOBO: You asked me a few questions but I don't
18 think it's that one we were talking about.

19 MR. DIPAOLO: Something different?

20 BOBO: Right.

21 MR. DIPAOLO: Okay.

22 BOBO: But that one, no.

23 MR. DIPAOLO: But this one is specifically about a
24 man kayaking taking photos, stuff like that and then
25 they later found he came up missing and they found his

1 kayak, that incident you never -- you don't know
2 anything about it?

3 BOBO: I don't know.

4 MR. DIPAOLO: And you never heard Nygard talk
5 about it?

6 BOBO: No.

7 MR. DIPAOLO: Okay.

8 MR. MIYAR: The last question on Fred Smith is
9 does Nygard still want him dead?

10 BOBO: Nygard hasn't mentioned it to me lately.

11 MR. MIYAR: Okay. The third person is Louis
12 Bacon. Tell us what Nygard exactly told you about
13 Louis Bacon and why he wanted him killed.

14 BOBO: Nygard said Louis Bacon is a thorn on his
15 side, Louis is a thorn on his side. He said he's
16 not -- he doesn't even take six hours sleep anymore.
17 He's pissed. He hates -- he's sick and tired of Louis
18 Bacon. You know what I mean? He said he want to get
19 rid of Louis Bacon. Louis Bacon is just a pain in the
20 fucking ass. He said one thing with Louis Bacon. He
21 said Louis Bacon is very smart, very intelligent and
22 willing to spend any amount of money to get what he
23 want, even if he has to buy your own people away from
24 you. He said that he knows he doesn't have as much
25 money as Louis Bacon so he don't try to box with Louis

1 Bacon. He said Louis Bacon is not a dummy.

2 MR. RIVAS: Again, when and where did you first
3 have conversations with Mr. Nygard about Louis Bacon?

4 BOBO: At Nygard Cay in his room.

5 MR. RIVAS: Okay.

6 MR. DIPAOLO: So he discussed all these people on
7 the hit list all at once to you?

8 BOBO: No.

9 MR. DIPAOLO: Different times?

10 BOBO: Different times.

11 MR. DIPAOLO: Okay.

12 BOBO: But Louis Bacon is key number one.

13 MR. DIPAOLO: He's top on the hit list?

14 BOBO: Top.

15 MR. MIYAR: Do you recall exactly what he said,
16 how he told you since he was emotional about it?

17 BOBO: He very upset about it. You know what I
18 mean? He would like him killed but he can't do it
19 himself. He said if he tried to touch him now all the
20 heat will come on him. Then he said he never even kill
21 a rabbit before, you know.

22 MR. MIYAR: And was Leo Thurston there when he
23 told you this?

24 BOBO: Yes.

25 MR. MIYAR: The first time?

1 BOBO: Yeah.

2 MR. MIYAR: Okay. What steps did you and Toggie
3 take to try to locate Louis Bacon?

4 BOBO: After we found out that Fred Smith was
5 Louis Bacon's attorney or so we heard, first we had to
6 get the final how can we get connected with Fred Smith.
7 So we search for more information about do Louis Bacon
8 comes to the Bahamas, where do he come to the Bahamas,
9 how do he get to the Bahamas, which day he travels on
10 and all of that.

11 MR. RIVAS: And how did you get that?

12 MR. MIYAR: How did you get that?

13 MR. RIVAS: How did you get that information?

14 BOBO: At first if I recall the first meeting it
15 was me, Toggie and Spartacus, Mighty Moncur.

16 MR. DIPAOLO: Uh-huh.

17 BOBO: Spartacus, Mighty Moncur, and John Bostwick
18 are very good friends. John Bostwick and Michael
19 Pintard is good friends. Michael Pintard and Fred
20 Smith is good friends. So we arrange a meeting. At
21 first he was an FNM. He came in as FNM, then PLP. PLP
22 and FNM mean politics because John Bostwick and Michael
23 Pintard are FNMs and we on the other side are PLPs.
24 But they know if they can get us on that side they have
25 a better chance because we have pull on the street.

1 So we went and had a meeting to arrange. And I
2 think it was Mighty who arrange the meeting with John
3 Bostwick, wanted us to meet with John Bostwick. We
4 discussed this thing. But me and Toggie had the
5 heads-up on everything. So Nygard spoke to me and
6 Toggie. Mighty is just the spokesperson.

7 MR. DIPAOLO: And got you connected with John
8 Bostwick?

9 BOBO: Right.

10 MR. MIYAR: But how did you get the information
11 about when Nygard would come in?

12 MR. RIVAS: Louis. Louis Bacon.

13 MR. MIYAR: Excuse me. Louis Bacon.

14 BOBO: When he would come into the Bahamas?

15 MR. MIYAR: Yes.

16 BOBO: Nygard would say, well, I know that Louis
17 Bacon has a property aside of Nygard, first and
18 foremost.

19 MR. DIPAOLO: Uh-huh.

20 BOBO: Right. And I know Nygard tell us how that
21 Louis Bacon doesn't really come on property when he's
22 there but Louis Bacon has a private plane. I've never
23 seen it. Then me, Mighty, Toggie, John Bostwick,
24 Michael Pintard, we just start talking about him and we
25 start asking information on a slip to get more

1 information.

2 MR. DIPAOLO: On Bacon?

3 BOBO: On Bacon.

4 MR. DIPAOLO: So if Bacon was in town and was at
5 his house, Nygard would tell you?

6 BOBO: Yeah.

7 MR. DIPAOLO: Let you know that he's in town;
8 right?

9 BOBO: Yeah.

10 MR. DIPAOLO: Bacon hasn't been at his place in a
11 while?

12 BOBO: Right.

13 MR. DIPAOLO: Okay.

14 MR. MIYAR: And did you ever take proactive steps,
15 by that I mean concrete steps, to drive by his house,
16 to see where it is?

17 BOBO: Numerous times.

18 MR. DIPAOLO: Because you were at Nygard's?

19 BOBO: Because I'm at Nygard's house.

20 MR. DIPAOLO: Did he point it out, that's his
21 house?

22 BOBO: Yeah.

23 MR. DIPAOLO: He did?

24 BOBO: See, we're familiar with the wall
25 concerning the property between Louis Bacon and Nygard,

1 fences it. If I may?

2 MR. DIPAOLO: Yeah. Yeah.

3 BOBO: I'll draw a sketch for you guys. This is a
4 triangle I draw; right -- a square box I draw.

5 MR. DIPAOLO: Uh-huh.

6 BOBO: This whole property is Louis Bacon's
7 property.

8 MR. DIPAOLO: Okay.

9 BOBO: The way Nygard is supposed to come on
10 Nygard Cay, which is a helicopter or a boat and land on
11 the property.

12 MR. DIPAOLO: That's the way Bacon comes in?

13 BOBO: No, Nygard.

14 MR. DIPAOLO: Nygard.

15 BOBO: Supposed to be able to come in.

16 MR. DIPAOLO: Okay.

17 BOBO: What Nygard did upon himself is to cut a
18 road, once you cut the road, that's government
19 property, in order to get to Nygard Cay. You
20 understand? Nygard, Louis Bacon. And once that road
21 is cut, that's a problem. You cannot cut a road
22 through John, Jim, Bobo or Toggie's property.

23 MR. DIPAOLO: Right.

24 BOBO: And expect me not to say anything.

25 MR. DIPAOLO: Right.

1 BOBO: You understand?

2 MR. DIPAOLO: Yup.

3 MR. RIVAS: Who did he get to do that?

4 BOBO: Nygard?

5 MR. RIVAS: Yes.

6 BOBO: Well, you have to go through the
7 government. He bring that on himself because he got
8 arrested I think.

9 MR. DIPAOLO: For cutting that road?

10 BOBO: For cutting that road. Right. If you
11 go -- once you go into Nygard Cay here or if you come
12 into Nygard Cay, Louis Bacon is right there. It's so
13 close, it's right there that you can see. Neighbor
14 here. That's how close it is.

15 MR. DIPAOLO: Okay.

16 MR. MIYAR: Did you ever take photographs of the
17 house?

18 BOBO: No.

19 MR. MIYAR: Of Mr. Bacon?

20 BOBO: No.

21 MR. DIPAOLO: Now the only other proactive steps
22 regarding Bacon that you discussed with Nygard is when
23 you had those pictures of him supposedly up in New
24 York; correct?

25 BOBO: Yes.

1 MR. DIPAOLO: So he gave you those pictures, you
2 got those pictures that you showed Nygard that, because
3 he had asked you at some point --

4 BOBO: He jumped. He was very excited. What?
5 How did you get this?

6 MR. DIPAOLO: But at some point because Bacon was
7 not coming to the Bahamas, you discussed with him, and
8 I can't remember if he asked you if you could go to the
9 US or something?

10 BOBO: He asked me a few times.

11 MR. DIPAOLO: He asked you a few times if you
12 could go to the US and take care of him in New York?

13 BOBO: Right.

14 MR. DIPAOLO: Is that correct?

15 BOBO: Yup.

16 MR. DIPAOLO: But you told him you can't go to
17 the US?

18 BOBO: Right.

19 MR. DIPAOLO: But possibly you could get to him
20 through either other contacts?

21 BOBO: Right. I told him I had a contact in New
22 York.

23 MR. DIPAOLO: Okay.

24 BOBO: And I had Louis Bacon watched and followed.
25 I told him that.

1 MR. DIPAOLO: And then you showed him that
2 picture?

3 BOBO: And he went berserk.

4 MR. DIPAOLO: He said, where did you get this?

5 BOBO: Where did you get that? I told him I have
6 an inside man there.

7 MR. DIPAOLO: Right.

8 BOBO: He was very happy.

9 MR. DIPAOLO: But at that point though he didn't
10 necessarily tell you to use your contact to get to him
11 in New York; did he or didn't he?

12 BOBO: No. He said he'll talk to me and we'll
13 discuss this more.

14 MR. DIPAOLO: Okay.

15 MR. RIVAS: Has he ever discussed it again?

16 BOBO: Nygard is very pissed at Louis Bacon. He's
17 fed up. He's very fed up with Louis Bacon.

18 MR. DIPAOLO: Now just recently, now we haven't
19 listened to the conversation that you just had with him
20 on the 20th; right?

21 BOBO: Right.

22 MR. DIPAOLO: That you discussed with Nygard the
23 fact that Louis Bacon has another house?

24 BOBO: Right.

25 MR. DIPAOLO: And where was that other house

1 again?

2 BOBO: In Andros.

3 MR. DIPAOLO: In Andros?

4 BOBO: Yup.

5 MR. DIPAOLO: And you discussed or you offered to
6 him that if you could get to Andros --

7 BOBO: Right.

8 MR. DIPAOLO: -- to take care of him?

9 BOBO: We're gonna be in country.

10 MR. DIPAOLO: Then what did he say to that?

11 BOBO: He said him personally never killed
12 anything, can't kill anything.

13 MR. DIPAOLO: Right.

14 BOBO: He's even afraid to kill a rabbit. He say
15 him and a few of his friends went shooting one day, say
16 they were taking turns trying to hit it, bam. I think
17 it's a rabbit. So they take turns. When he got the
18 gun he said he looked at that poor rabbit and he
19 dropped the gun. He say but if that was a bear
20 attacking him and his family, he'd have no other choice
21 than kill him. He said I'd like to kill -- I'd love to
22 kill him. So I told him that basically was Bacon what
23 you're going through now. I can't remember what he
24 said on the tape.

25 MR. DIPAOLO: Okay.

1 BOBO: But you've got to listen.

2 MR. DIPAOLO: Oh, we'll listen to it. So you
3 discussed that --

4 BOBO: Right.

5 MR. DIPAOLO: -- with him?

6 BOBO: Yup.

7 MR. DIPAOLO: The fact that Louis Bacon has a
8 house?

9 BOBO: He told me.

10 MR. DIPAOLO: He told you. Okay.

11 BOBO: You'll hear that on the tape, too.

12 MR. DIPAOLO: Okay. And we'll listen to it. So
13 you have discussed it with him recently?

14 BOBO: Yup.

15 MR. DIPAOLO: And we'll listen to what he says on
16 the tape --

17 BOBO: Yup.

18 MR. DIPAOLO: -- as to what his response was?

19 BOBO: Right.

20 MR. DIPAOLO: Of you going there. Okay.

21 MR. MIYAR: So this contract is still open?

22 BOBO: As far as I'm concerned, yeah.

23 MR. MIYAR: And what was he going to pay you to
24 kill Louis Bacon?

25 BOBO: He never told me an exact amount.

1 MR. MIYAR: But what did he specifically say? He
2 had to have said something.

3 BOBO: You guys will be very pleased. It's gonna
4 be a huge, huge amount.

5 MR. MIYAR: And how did he want him killed?

6 BOBO: He didn't tell me directly how he wanted
7 him killed.

8 MR. MIYAR: No, I mean how did he want him killed?
9 I mean Pericles you do a bump and were gonna shoot him
10 with pistols. Did you have any plan?

11 BOBO: Make it look accidental, if possible. The
12 way Nygard would want things to be done is for nothing
13 to lead back to him. You understand? So accidental is
14 a good way. However it is, just make it look like it
15 so it don't lead back to him.

16 MR. MIYAR: He said that to you, that do it in a
17 way that it will not get back to me?

18 BOBO: Yeah.

19 MR. MIYAR: And he won't be in town when it
20 happens?

21 BOBO: He didn't say that in the recording when
22 we're talking because when we went to Nygard Cay you
23 cannot record. Your phone automatically shuts off. I
24 don't know what kind of device he has. I don't know.

25 MR. MIYAR: Okay. The fourth person is Neil

1 Hartnell from the Tribune.

2 BOBO: Yup.

3 MR. MIYAR: Tell us about why Nygard wanted Neil
4 Hartnell --

5 BOBO: Neil Hartley.

6 MR. MIYAR: -- killed?

7 BOBO: Neil Hartley.

8 MR. MIYAR: Hartley.

9 BOBO: Neil Hartley was writing a bunch of rubbish
10 on him so he said things that were not true. He said
11 for a man in his type of position, Neil Hartley should
12 not be writing false things about me, especially if he
13 don't know anything about him. So he wanted us to deal
14 with Neil Hartley. We never knew Neil Hartley
15 personally so we hired a private investigator to find
16 out information about Neil Hartley, his house, his
17 family, everything.

18 MR. MIYAR: Who was the private investigator?

19 BOBO: I can't remember his name.

20 MR. MIYAR: Does the name Dodd sound familiar?

21 BOBO: Dodd. Right. Doddrick. Dodd.

22 MR. MIYAR: And how much did you pay him?

23 BOBO: I think -- I'm not sure. \$1,200. I'm not
24 sure but I think it's around.

25 MR. MIYAR: Okay. And that came from money that

1 Peter Nygard gave you?

2 BOBO: Right.

3 MR. MIYAR: What did Peter Nygard give you total?

4 BOBO: I think he gave us \$10,000 for that, too.

5 MR. MIYAR: Each?

6 BOBO: Yeah. He always gives each.

7 MR. MIYAR: And what did the private investigator
8 find out?

9 BOBO: Find out where Neil Hartley work, where
10 Neil Hartley live, what car he drives, how he looks,
11 everything and all the photos.

12 MR. MIYAR: So --

13 MR. DIPALO: You got all the photos?

14 MR. MIYAR: What photos did he --

15 BOBO: I have them.

16 MR. MIYAR: What photos did he give you?

17 BOBO: He give me a photo of the Tribune. That's
18 where Neil Hartley work. He give me the photo of his
19 car, his house.

20 MR. MIYAR: House?

21 BOBO: Right.

22 MR. MIYAR: Can we get a copy of that?

23 BOBO: I don't know if I have it anymore but I
24 could try to get it.

25 MR. MIYAR: That would be --

1 MR. DIPAOLO: You don't have to have the original
2 ones.

3 BOBO: Uh-huh.

4 MR. MIYAR: That would be important if we could
5 get that because what that does is corroborate --

6 BOBO: Sure.

7 MR. MIYAR: -- supports this whole investigation.
8 So once the private investigator gave you that
9 information now you knew where he worked, now you knew
10 his car?

11 BOBO: Right.

12 MR. MIYAR: And his house. What kind of car did
13 he have that you recall?

14 BOBO: I can't remember what kind of car but we
15 had phone contact with Neil Hartley.

16 MR. MIYAR: So is it a home phone or an office
17 phone?

18 BOBO: Cell phone and a home phone. Office phone,
19 too. When we call -- I think we call -- me -- I'm
20 not -- me and Toggie call Neil Harley and we threaten
21 him.

22 MR. MIYAR: Okay. You threatened him. What
23 exactly did you say to him?

24 BOBO: We tell him if he don't stop fucking
25 around, we can deal with him right away and that's a

1 promise. We promised him this, too.

2 MR. MIYAR: Did he answer the phone?

3 BOBO: Yes, he answered the phone. No. Did he
4 answer? Yeah, he answered the phone.

5 MR. MIYAR: So after you threatened to -- well,
6 Toggie threatened to kill him and his family, he
7 stopped writing negative articles?

8 BOBO: From the best of my ability.

9 MR. MIYAR: And then when you reported back to
10 Nygard that you were able to locate him and threaten
11 him, what did Nygard say?

12 BOBO: Nygard were very pleased. He were very
13 pleased. Nygard always paid us \$10,000.

14 MR. MIYAR: And when he paid you the \$10,000, was
15 that before or after you did the job?

16 BOBO: Sometime he give us some money before and
17 some after. And I can't remember.

18 MR. MIYAR: On this occasion?

19 BOBO: On that occasion if he paid me before or
20 after.

21 MR. MIYAR: And when he paid you do you recall
22 where he paid you?

23 BOBO: He paid me in Nygard Cay.

24 MR. MIYAR: At his house?

25 BOBO: Yeah. I think.

1 MR. MIYAR: If you can't recall, don't.

2 BOBO: I can't recall if he paid me that on Nygard
3 Cay. Seriously.

4 MR. MIYAR: Okay.

5 BOBO: I can't.

6 MR. MIYAR: Now was this threatening Neil before
7 or after the march?

8 MR. DIPAOLO: Timeframe. We're talking timeframe.

9 BOBO: I think that one was after the march.

10 MR. DIPAOLO: After?

11 BOBO: Yeah.

12 MR. MIYAR: Do you recall what phone number Toggie
13 used to call Neil?

14 BOBO: I think Toggie buy a chip.

15 MR. MIYAR: Okay.

16 BOBO: Probably he buy a new phone, new chip and
17 made the call.

18 MR. MIYAR: Where did he buy the chip?

19 BOBO: I can't remember. I know it's Chinese I
20 think.

21 MR. DIPAOLO: So he buys a chip, put it in his
22 phone?

23 BOBO: Not his phone.

24 MR. DIPAOLO: All right. In a phone?

25 BOBO: In a phone.

1 MR. DIPAOLO: Calls, threatens him?

2 BOBO: Yeah. And he get rid of the phone and
3 chip.

4 MR. DIPAOLO: And he got rid of the chip and
5 phone. Okay.

6 BOBO: (Whereupon, Bobo nodded his head.)

7 MR. DIPAOLO: Just one more question regarding
8 Fred Smith. Were you or do you have any information or
9 are you familiar at all with a spy team being hired by
10 Nygard or anybody else spying on Fred Smith sometime in
11 2015? Have you ever heard anything about that? Have
12 you ever talked to Nygard about that, about a spy team
13 coming in from the US to do surveillance?

14 BOBO: Spy team?

15 MR. DIPAOLO: Yes.

16 MR. RIVAS: Like a surveillance team, spy team.

17 BOBO: No.

18 MR. DIPAOLO: Former US military people.

19 BOBO: No, I can't remember that.

20 MR. DIPAOLO: So you don't know anything about it
21 and you never talked to Nygard about it?

22 BOBO: No.

23 (Whereupon, the sworn statement was concluded at
24 11:25 A.M.)


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I, WISLER DAVILMA, being first duly sworn,
do hereby acknowledge that I did read a true and
accurate copy of my statement taken on February 4, 2016.


WISLER DAVILMA


Witness


Witness

Witness


Jump Drive Index to Recordings & Videos

Recording No.	Date	Description
Recordings of calls between Pericles Maillis and Clement Chea		
1A	9 September 2015	Recording of call - Pericles Maillis and Clement Chea
1B	9 September 2015	Recording of call - Pericles Maillis and Clement Chea
Videos of meetings between Wisler Davilma/Livingston Bullard Jr and Nygard		
2	10 May 2015	Video of meeting - Wisler Davilma/Livingston Bullard Jr and Nygard
3	12 May 2015	Video of meeting - Wisler Davilma/Livingston Bullard Jr and Nygard
4	16 June 2015	Video of meeting - Wisler Davilma/Livingston Bullard Jr and Nygard
5	18 June 2015	Video of meeting - Wisler Davilma/Livingston Bullard Jr and Nygard
6	6 July 2015	Video of meeting - Wisler Davilma/Livingston Bullard Jr and Nygard
Videos of Hate Rallies		
7	14 July 2014	Video of July 2014 Hate Rally
8	5 December 2014	Video of 5 December Protest Rally
9A	1 January 2015	Video of Junkanoo Hate Rally
9B	1 January 2015	Video of Junkanoo Hate Rally
10A	19 June 2015	Video of Supreme Court Hate Rally
10B	19 June 2015	Video of Supreme Court Hate Rally
10C	19 June 2015	Video of Supreme Court Hate Rally
Video of Keod Smith at Jaws Beach removing steel bar from Fred Smith's car		
11	25 April 2013	Video of Keod Smith removing bar from Fred Smith's car
Videos exhibited to letter of complaint by Fred Smith to the Commissioner of Police dated 27 February 2015 at No. 30		
12	Video 1 attached to letter of complaint to Commissioner of Police dated 27 February 2015 - ZNS coverage of 14th July Protest	
13	Video attached to letter of complaint to Commissioner of Police dated 27 February 2015 - Pro Peter Nygard March, Anti Louis Bacon Protest	
14	Video 3 attached to letter of complaint to Commissioner of Police dated 27 February 2015 - Friday on Bay Street	
15	Video 4 attached to letter of complaint to Commissioner of Police dated 27 February 2015 - The Coalition Group New Year's Day Junkanoo Parade 2015	
16	Video 5 attached to letter of complaint to Commissioner of Police dated 27 February 2015 - Banish Bacon Junkanoo Protest	
17	Video 6 attached to letter of complaint to Commissioner of Police dated 27 February 2015 - Nygard Cay in The Bahamas	
18	Video 7 attached to letter of complaint to Commissioner of Police dated 27 February 2015 - Sir Randol Fawkes Labor Day Parade	
Other video(s)		
19	Video – Nygard Bain Town walkabout – 29 June 2013	

At about 9.45am this morning 08/9/15 Clement Chea, who I knew from Kingsway Academy as school children came to my office dressed in a polo shirt and jeans and asked to see Mr. Pericles Maillis the Senior Partner in the law firm. Mr. Maillis was not here at the time and in fact did not get in until noon.

Because we were friends as children, we spoke as to how things were and he hugged me as we have never had any ill will or ill dealings but neither any close social contact since school. When he came through the door there were four other young men, black Bahamians from what I could see and hear. The four men stayed out in the foyer and he came in to the Secretary's pool area and indicated wanted to talk to me and by sign language that he didn't want the others to hear.

I took him just inside of the room occupied by Attorneys Peter Maillis and Pericles Maillis and he spoke softly saying he had information for Mr. Maillis in reference to Peter Nygard and Louis Bacon, he had an envelope with him from which he pulled a piece of paper that had Nygard International across the top with his name on it, he pointed out his name and also the amount of \$10,000.00 and told me he had been hired to assassinate Louis Bacon and that was a down payment. Then he said he had recordings from people in Turks and Caicos saying they had been paid off to lie on Louis Bacon and he had all of their bank records showing where they had been paid. Then he pulled out tickets showing he had just come back from Canada. He just repeated that he wanted to see Mr. Maillis because he had information for him and Mr. Maillis could decide what he wanted to do with the information.

They left and one of the guys that was with him came back and called me by name and said Clement wants you to take his cell phone number so you can have Mr. Maillis call him. He gave me the number and I wrote it down.

File Note : The above note was typed for me
9th Sept. 2015 by Keli Knowles from her
recent recollection of the events
of this morning - She and Colly Q
were done in the office when Chea +
his goons came.

* Colly to my office - end
of conversation

I then called him back +
told him that if he information of
such moment he should go to
the Commission of Police or
head of intelligence ... He immediately
flew hostile and said as I recall
(it is on tape) that he never come to
my office + to stay Colly his cell out to
"fuck off".
Pericles 4:37 pm

At 4:30 pm I called Chea on the
above cell phone in the presence of Adam II, Adam
Kelli Knowles and Jewel Carey. I turned
on my tape recorder to record my own
words.
I told him I did not want to talk to him + he should stop

Fixed - not for publication.

Mrs Knowles briefed -

With the
Compliments of

Pericles Alexander Maillis

Maillis and Maillis
Chambers
Nassau, Bahamas

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CLEMENT CHEA
426 3129

Selma G/S

Filename: Meeting between Bobo-Toggi and Nygard on 10 May 2015

Client: Schillings

Job ID: UK0064266

Date Due: November 11, 2015

Transcribed by TransPerfect

BOBO: Hey, chief, how you doing?

PETER NYGARD: Whew, it's been a busy trip.

BOBO: Busy trip, busy weekend.

PETER NYGARD: Yeah.

BOBO: Busy walk tonight.

PETER NYGARD: Yeah, yeah, I had to walk to work, walked across. So what's happened here?

TOGGI: Well first of all, we spoke to the Prime Minister and we spoke to Brave Davis and everything has been cleared with you, with the land part. That's sorted out, the Prime Minister say he doing that this month. He say you don't have no worries about that.

BOBO: Secondly, we didn't have the meeting, after the first meeting, we didn't have a meeting because Michael Pintard is off, he is off the island or something like that so he didn't... He told me say when he come in, he will contact the people, and then we have the next meeting but he didn't showed up, so Brave is aware that he didn't showed up. Brave is aware.

PETER NYGARD: So we haven't had any success in that regard, eh?

BOBO: No, not yet. Not yet.

PETER NYGARD: Shit. Classless son of a bitches.

BOBO: Yeah.

PETER NYGARD: Yeah, Prime Minister has been saying that shit now every month you know. That's why I'm going to go have a meeting with him now when I'm here. I leave by Thursday.

BOBO: Oh?

PETER NYGARD: I'm going to, I got a meeting with the Prime Minister of St. Kitts on Friday, uh, set up the whole stem cell program over there. I set up the stem cell clinic program over there in China now. I met with the President of China, so that part is going along.

BOBO: Yeah.

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PETER NYGARD: Yeah, you guys have...

TOGGI: Well chief, you know, we got your back man, ain't no one can't do nothing against you.

BOBO: Chief, we here to protect you by all means, you know?

PETER NYGARD: Yeah, I saw that tonight. Yeah, that was very good.

TOGGIE: Chief, I ain't got no time to fuck around; anybody, anyone violates you, you just let us know.

PETER NYGARD: Yeah.

TOGGI: Brave know, Brave know how we go, you understand?

PETER NYGARD: Yeah, and the Prime Minister saw us very visible together now, so he knows... he knows the connection now, too, because nobody having not been in the public with you guys too much now.

MIKE: Nygard! What's up, man?

PETER NYGARD: Hey, hi, Mike.

MIKE: I saw you on the camera.

PETER NYGARD: On what camera? Your security camera?

MIKE: Yeah, my security camera.

PETER NYGARD: Oh, my god!

MIKE: You actually parked to the wrong spot. This is my bar here.

PETER NYGARD: Oh, my god!

MIKE: Come on in, man, come on in and have a drink.

PETER NYGARD: Okay, let me just finish the meeting out here, I'll join you.

MIKE: Okay, you know how to get to the bar, right?

PETER NYGARD: I do, I do. Okay, all right.

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MIKE: Okay. All right, buddy.

PETER NYGARD: Fuck. I'm so fuckin' visible, it's unbelievable.

BOBO: Yeah chief.

PETER NYGARD: I can win this fuckin' election.

BOBO: Mm?

PETER NYGARD: I could win the election.

TOGGI: Yeah. See, what Brave told us, is that we have to get your back because you's the sponsor and we's the muscle, you understand?

PETER NYGARD: Yeah

TOGGIE: So that's what Brave tell us, so if these guys fuck with you, chief, I will fuckin' deal with them, trust me. I don't care what the consequences is, I will deal with them, you understand? Because you have our back and you have Brave back, I know Brave is the man for us, right? For everybody.

PETER NYGARD: Yes, see, the PM is supposed to issue this lease. There's nothing to hold him back from issuing the lease that they have now promised for 30 years for me to have built on government property. They gave a letter of authorization almost 25 years ago. They said they were going to send me a lease. They never did.

BOBO: They must, Louis Bacon must be working for the fuckin' PM. The PM must be working for fuckin' Louis Bacon, that's all I can say, because there's no reason why, chief, he gotta take this long.

PETER NYGARD: There's no fuckin' reason it should take this long and keep making these fake promises after promise after promise. He was very distant because he was embarrassed about meeting me, you know.

BOBO: Yeah, he can't face you.

PETER NYGARD: They can't face me, yeah.

BOBO: Yeah. I think it will be all right though chief.

PETER NYGARD: As soon as he gets the fuckin' lease, Bacon's campaign is now over. The whole campaign about him is to prevent him from being able to give that lease and

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that work permit until he wins the election, and the next government won't do it, and then Bacon's got me by the fuckin' balls.

TOGGIE: Chief, we cannot let Bacon get away, by no means.

PETER NYGARD: [INDISCERNIBLE 00:04:38] he is a vicious sort of a fuckin' bitch. I mean, today, I had to spend two days now interviewing for another press that maybe Bacon's put out there to try to put this into an international [PH 00:04:52] scam, between two billionaires fighting together and who knows what the fuckin' story is going to be. The trouble with him is he's fabricating and producing falsified evidence as fast as they goddam well can manufacture it. So now he's got a whole crowd of people out there, and my information sources out there that he's trying to fabricate me to get in, be guilty of human trafficking, you know, and it's a big fuckin' hot issue, as you know, and then he gets falsified people you know, giving a statement, producing false evidence. Nobody even knows them for fuck sake. So anyway, he's a dangerous guy that way but he's not afraid to produce false evidence. I'd never ask you because I've never been used to this kind of game [INDISCERNIBLE 00:05:44]. He's in this fuckin' world, you know. Anyway, the most of the action now is outside of the Bahamas. The action is in the United States and in Fort Lauderdale and New York and LA. He even had his guys go to China to meet up with my people in China. He [INDISCERNIBLE 00:06:05] every [single fucking person who ever worked with me for the last 30 years, you know, so he's intense. He's intense, but I want to put a stop to this fuckin' lease. The Prime Minister has got to do this fuckin' lease. He's got to get some fuckin' courage.

BOBO: He needs to hurry up on that, chief.

PETER NYGARD: He's got to do it right now. That's the push. That's the push everybody's presumably having, Brave is having, Shane Gibson's having. You guys are pushing him, I'm pushing him, and this push has to intensify now this week.

BOBO: Chief, you see, and then he really knows us, right? You see that?

PETER NYGARD: Yeah, I saw that.

TOGGI: Chief, I ain't ga lie, right – we gotta fuck these niggers up man, they playing games, they playing around man. See its like Brave say, do you understand? He's the Deputy Prime Minister, he won't be too open, but he say 'Man if they fuck with Nygard, Nygard can't sponsor us no more and then we fucked.'

PETER NYGAARD: Yeah, they're fucked because nobody else is gonna do it.

TOGGI: Nobody else is gonna sponsor them. Five million dollars? No one else is gonna do it.

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PETER NYGARD: The only other guy who was there, very distant from me, but the second guy was Craig Flowers, and he's plenty pissed off man, he wouldn't even [INDISCERNIBLE 00:07:10] right now. I'm going to meet with him tomorrow. But he's so fuckin' pissed off with the Prime Minister breaking every goddamn promise he made to him, and he's going to meet up with me now and see if the two of us – he's much secondary, I mean. [INDISCERNIBLE 00:07:27].

BOBO: Chief, boy I ain't ga lie, chief I can't let them fuck with you, I'm telling the truth. Brave always is tell us that. The last time we see him, he said 'Listen – you've got to have Nygard's back. We can't fuckin' afford for this boy to run Nygard; Nygard is a big sponsor to us.' And you see, Brave is tell us straight up because we..., you understand?

PETER NYGARD: Yeah.

BOBO: So he tell us straight up, Nygard's a big sponsor so we can't let it fuckin' go. We cannot let it go.

PETER NYGARD: Yeah, and you guys have more than just muscle. You guys have political contingency. I mean, you guys got a control of a lot of the politics as well, you know.

BOBO: Yeah, we have.

PETER NYGARD: It's a matter of rallying the troops behind the scenes and... you've got... ah fuck.

BOBO: You always tell me say, "Bobo, you know, you really don't take much before you trigger off," you know?

PETER NYGARD: Yeah. All right, I'm going to meet with him, I don't know if he said tomorrow or the next day he comes back. He said he's going somewhere but I could not hear but ah, I'm leaving Thursday, and I want to get some fucking action this week. I've got a meeting with the Deputy PM as well and see what the hell he's doing because the PM is fucking up the Deputy PM's fuckin' future, you see. Even if he decides not to run any more, and that's what he said, it's Brave who is going to get sacrificed here, and Brave fuckin' well knows it.

BOBO: Chief, I can't afford for them to scare... run you off boy. Boy, if I could catch that fucking stink ass Louis Bacon, I swear to god chief, I ...

PETER NYGARD: Yeah, you're right. He's a fuckin' criminal, man.

BOBO: Fuckin' kill him chief if I catch him.

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PETER NYGARD: He's a big time criminal. He's like Hitler.

BOBO: He's hide a lot.

PETER NYGARD: Yeah, he hides.

TOGGI: Chief, all we need is one day with him in the Bahamas, that's it.

PETER NYGARD: Ah he ain't coming, he ain't coming. He won't show his fuckin' face here. He already made it seem to the press that he's afraid to come here because, you know, presumably I've got a hit on him for fuck sake, so he's already come out, because he's very clever. He makes this into a political press campaign so that's what he's advancing now, that I've got a hit on him. Anyway, and so I'm a bad guy therefore I've got all this shit. We're going to be in touch this week sometime anyway and...

BOBO: So chief, you know, we break. Ain't no things, but we break.

PETER NYGARD: Yeah, yeah, I'll come back and take care of you guys.

TOGGI: Huh?

PETER NYGARD: I'll come back and take care of you.

BOBO and TOGGI: Okay, chief.

PETER NYGARD: Yeah.

[Peter Nygard leaves car.]

BOBO: Chief, he say he's coming back. He say he's coming back all [INDISCERNIBLE 00:11:38] alone. Chief say he's supposed to come back to handle it. Where y'all going?

This is a Transcript of audio recording dated 12th May 2015. This present are Peter Nygard Bobbo and Toggi. All speech is represented by initials

B: Hey Chief how you doing?

PN: Good.

B: That meeting was a lil long with you and the DPM.

PN: Well yeah, the DPM meeting yeah. So the fucking lease everybody's frustrated with the PM, you know. He's holding up that fucking lease, which could unravel every God damn thing with Bacon back on his fucking heels and he's just holding back on that damn thing, for whatever reason its mysterious. I'm gonna have a meeting with him tomorrow and lay down the law to him. But he's fucking up this whole thing. These, these kind of campaigns, I dong. row an dat damn thing, for whatever reason its mysterious

B: Who put this out?

PN: Bacon

B: Bacon put this out?

PN: Save The Bays. You know, this is center page with that... I'll give you two copies anyway

B: This the march. Chief you know he can't get us for the march, we' w never tell we was doing the march.

PN: Huh?

B: He can't get us for the march, no one can get us for the march.

PN: Well this is side-by-side right? Like that. And of course they've got Christie's face in there and my face, and then of course now making it like Christie is not the only one living in fear so they're trying to promote this whole fear campaign, you know, or this intimidation campaign and they're trying to make the whole thing a criminal environment, you know, which just looks bad for the prime minister all the corruption and the crime and everything, so he doesn't win the fucking election, taking me out of the picture, you know, and destroying my whole fucking reputation and everything else, and they take the whole fucking PLP out of there. These campaigns now are coming at us in an ever increasing pace here, you know they got the town hall meeting coming up with more of this shit, you know. It's a very carefully orchestrated program that's coming at an ever-increasing pace you know. And meanwhile, you can keep that and meanwhile Christie was already supposed to start his political campaign going, you know, as of May 1st, you know, and due some of this stuff – because the campaign's on now, fucking political campaigning going – and this is the start of their fucking campaign to take down the key guy who's the financier of the whole fucking PLP party, take him down first, you know? Tie them together. Tie me into corruption tie me into intimidation, tie me into getting contracts out for his life you know? They are trying to nail me in USA about human trafficking, human trafficking, trying to buy out people the same way as they tried to get you guys, buy out people just to make some statements to that effect so they can go ahead and put it in the fucking press, you know? So the ah...

B: We gotta put the pressure on the PM, chief.

PN: I'm having a meeting with him tomorrow and...

B: We spoke with him, we spoke with him and we say he will get the things, he will get the things, ah ah, going but he told us, he say it just like this: 'What the fuck Louis Bacon wants from Nygard? Just like that he say it, you understand?

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PN: Yeah.

B: See the PM and the DPM they tell us up straight, they talk to us straight up, like, you understand? 'Nygard is a big sponsor to us and you guys is the man on the street. ever increasing pace if I tell him, I say, Listen, if Nygard go, automatic he lose the election. He know that.

PN: Yeah.

B: DPM know that too, DPM tell him that.

PN: Yeah, yeah that's right, and Nygard's very close to going; I gotta take care of my own fucking ass so I'm meeting with the prime minister of St Kitts now to go over.... We have the whole fucking 100 million dollar investment going in over their now. The whole medical Stem Cell, etc. I'm not putting with this shit here now I pissed away five million dollars. Since the PM got me involved its cost me five fucking million dollars of bullshit shit. My time is the most valuable thing and for me to spend time like this is so fucking unproductive you know I got big fucking things to do you know.

B: Chief, I ain't like how this fucking man putting us through all these problems man.

T: You understand?

B: Its too much problems, and the PM fucking could do something about it.

T: You understand?

B: I don't like how he is putting you through all these problems man.

PN: No they, they

B: I'd like to kill his fucking ass.

PN: I think we're all united in an issue that puts huge pressure on PM now from every fucking Cabinet minister from Gibson, Shane, you guys, everybody. Without you guys and me they lose the election as you have control of the field and I have control over the fucking finances you know.

T: You understand.

B: Chief you know we ain't got no time to play, once we hit this road.

PN: Here's his [inaudible]

B: We own the streets

PN: Here's his fucking girlfriend right now.

B: Yeah

P: He's a horny [inaudible]

B: Yeah man chief, we gotta put this pressure back on fucking him again man.

PN: Yeah

B: We can't afford for fucking Louis Bacon to keep pressuring, pressuring, pressuring you.

T: Nice lady.

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PN Yeah thats what's keeping me up our friend young and virile.

T: Yeah (laughs)

PN: So, he's going to have a meeting, he's gonna have a meeting with you, you guys. I told him, I said 'look, you gotta develop some strategy with the boys here. I said, you guys can't sit here, you know, idle. So far in this whole fucking time I have been away nothing has happened. Zero, you know. If something would have happened, you guys would have been informing me already of the stuff, you know. Do those microphones work? Did you get them to work good? I had Eric fly down to Miami to buy them for you for the [inaudible].

T: We got to meet the schedule next week.

PN: Fucking gonna catch those son of a bitches.

B: So everything gonna be okay chief. ...fuck with you chief.... hey, no, we get your back, we ain't, the DPM ga tell you, we get your back 100%. He ga tell you how we go man. Just how we have his back, we got your back, he know how we go.

PN: Yeah, whatever the back now means is the key issue, you know? I mean we knowe

B: The back, the property is the main thing, once that sorted out I think everything will be sorted out after that. So we gotta put some foot in the PM back for that.

PN: well there's 3 things. One issue is the lease, second issue is the work permit that's in the Deputy Prime Minister's hands he can give that lease a soon as they lift the injunction, injunction is a bunch of bullshit. That, that is getting tied up on the ground right now they expect to maybe get that done by the end of the month

B: Injunction?

PN: Yeah Bacon threw an injunction against the government

B: The government or Bacon do it?

T: Bacon throw an injunction

PN: Against the government to stop them from giving out the lease or any work permits because they were charging him fraud. You know what they were charging him with fraud, that the government has a secret deal with me so I could build my Stem Cell Clinic at Nygard Cay you know, and therefore, Lyford Cay doesn't want to have any businesses like that in there but the government's plotting to do it anyway in a secret deal for me, and of course it has nothing to do with me ever wanting to do it there's no such fucking thing but they fabricate it, remember I told you guys, this information through David Davis the PA who was prime minister Christie's PA, he fired him ever since, and he threw in there falsely a statement that said that. He then falsely released that to The Tribune who wrote this piece of article shit, you know, and ah, said that that said that is what happened. They then went to the Lyford Cay people and said, 'Lyford Cay people we want you to help get an injunction against the government they have been fraudulent and trying to hide the fact that they really are plotting, Perry and Nygard to put a Stem Cell Facility at Nygard Cay and do you want that? if not please sign here on an injunction, of course they don't want that and of course it's all fucking fabrication. They then took what Michael Major's, three-pages out of [inaudible] proposal, because always have to be publicly announced and publicly shown exactly what was going to build on Nygard Cay. They stole three pages out of there and withheld it, and made it seem like we were trying to hide, like the government was trying to hide something, maybe in those three pages presumably included the stem cell clinic was at Nygard Cay, that was a fucking another farce, you know, and then [inaudible] they threw the injunction against them to

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stop them from giving us the permit. And then of course they buy off the fucking judge that hold the injunction, now you supposed to have an injunction in place for 2 weeks they've had it for 2 months, the other injunction they've had in place for 2 years, so they decide to hold the whole thing up in courts now and then be able to claim that the government's corrupt, it's got a corrupt deal...so on the basis of all the Lyford Cay people are saying governments corrupt, Save The Bays is saying the governments corrupt, none of those fucking people even want to be part of it meanwhile they railroaded those, they hijacked those guys names in there. So it's a phenomenally clever fucking scheme you know to win the next election on the heels of being corrupt and now they building a further campaign to try to show that even the prime minister is afraid for his life, you know and that Bacon is afraid for his life you know because this Nygard and this environment is so fucking corrupt you know and so dangerous to be in, you know, and nobody likes that in a Bahamian electorate so it's a massive fucking campaign so he's gonna have he's gonna have some other town hall meetings coming up, I dunno if you are familiar with it? They called for town hall meetings.

B: Mr. Bacon?

PN: Yeah

B: In the Bahamas?

PN: Yeah Save The Bays is under the disguise that he's doing this now and Save The Bays is having a town hall meeting you know and of course at those meetings they may come back at this stuff you know.

B: Will he be there to those meetings?

T: No, he ain't ga be there.

PN: No I won't be there

Bobbo: I meant him, Bacon, will he be at the meetings?

PN: No he won't show, he won't show his fucking ass.

B: Maillis, Maillis will attend those meetings?

PN: I don't know he might, he might, he might. This is orchestrated by Fred Smith you know they're having those meetings of course every time we disturb those they call for police protection and plead this security problem such a clever scam going on you know.

B: Chief don't worry about no police, only 2 things in this world: either order or chaos man.

PN: So somehow I told Brave now that we gotta develop a program for you guys behind the scenes now to play fucking interference with all this shit cause they are busy beavers lining up all kinda bullshit

B: Chief you need to fucking play with their brains man, lets have another protest or something, play with their fucking brainse, you understand?

PN: We need a playbook we need some fucking playbook

B: Let's have a next protest or something, back in Rawson Square.

Phone rings PN answers

PN: Hello. Andrew hello, yeah I'm just leaving, I'm on the road so it should take me maybe 15/20 minutes I think... should take me 15/20 minutes. Ok.

End of phone call

PN: Ok. So look, the next play is to have a meeting with Brave, you guys have a meeting, I'll have a pre meeting with a with a Christie then we get together again before I leave so we have a fucking game plan so there a whole activity program going here because as this going in this fucking

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neutral right now it ain't working man. I mean this is insane to go back into this [inaudible] shit, I'm served at 3 in the morning, four fucking policemen come and serve me with this fucking big document of shit and in fact I got to give that to Brave. Then they write about it in the paper you know something that been around for a year now this contempt charge for presumably moving and cleaning up my sand from my marina and putting it back on my beach, that's contempt. Meanwhile Lyford Cay moves their sand from their marina and dumps it on top of the docks at Jaws Beach to prevent the guys, Bahamians, from using that fucking beach. In fact, we gotta go on some fucking campaign there. I gotta go on some campaign there because you got the beach into use, gotta get the people to start using it. Here's an injunction against the government to prevent the government from building that dock up for the Bahamian People. The Bahamian people use that dock to launch there boats to go fishing. Bahamians use it to go waterskiing, jet skis to do it, meanwhile they put do not trespass signs and destroy the fucking thing, do not enter fucking signs around the whole fucking thing mean while they cut the whole God damn thing up. Meanwhile he brags about it and says he saved that beach for thousands ten thousands Bahamians, Bull shit. He's prevented anyone from going on there. And we gotta, I gotta get something going on that fucking thing.

B: Chief, you we could handle, we could work some out whereby you know something could work out, something could happen.

PN: I gotta plot some fucking plans up in here cos this, this here we got no leadership. Overseas we got a well orchestrated fucking campaign and I got nobody over here orchestrating fuck all. The key leader is sitting with his thumb up his ass, Christie, and then there is nobody on our fucking PR team at all whose.... I have to have some more meetings with these guys, to put this whole thing together.

B: Chief but you leaving Thursday when you scheduling to be back?

PN: Oh fuck not till the end of June. All kinds of shit's gonna happen between now and then i gotta leave this in good shape before that.

B: Yeah man chief we could fucking,

PN: Yeah I gotta get you guys employed, look, let me... I'm gonna touch base with you when I come back but this is my highest priority that's the reason came over here to clean up this fucking mess and then I'll also, let me clear up business ok?

B/T Okay.

B: We touch base Chief we see each other again.

PN: Yeah i think Wednesday

B: That's tomorrow

PN: Yeah tomorrows Wednesday right?

B: Yeah

PN: I want Brave to do... I want to meet with Christie. Wednesday, latest Thursday morning latest otherwise I'm gone man. I have no other choice.

B: Ok. Wednesday where?

PN: Well, normal place, we'll find a way, eh?

B: Okay yeah okay Chief

15:15:53 PN exits the vehicle.

Transcript of Meeting 3 recorded 16.06.2015, Those present in the car Tuggi, Bobo and Peter Nygard. All speech is represented by initials.

21:31 PN enters car

T: Hey chief how you doing?

PN: Hey man

T. Chef, Looking good man, looking good

PN. Thank you my man

T. A lot of sexy girl around the mall today.

PN. Oh Christ, there just everywhere, everyone is after that store.

T. Oh yea man

PN. It's built for the girls asses and they all love it, it's going to be a field day over there. I'm looking for 100 fucking women with the best asses to do a major show. You guys should help me (laughing in back ground)

T. We have no problem with that.

PN. So what -(end video 2)

21:38 video 3

PN. do some shows with the radio, TV and stuff, promoting the hell out of that stuff and higher all these girls, to do some fucking fun things (inaudible)

T. You need to give Leo the heads up to keep both of his phones charged up, just in case I can't react you I'll call him and he can give me an update but this phone **isn't** charged.

PN. No?

T. No...

T. Deal?

PN. Deal... **oh I see, ok.**

T. **DPM** knows we's working, he knows we working, this guy he has everything **what we ga need, so we'll catch up with him,** but we is not bringing him to you, we don't want....

PN. Tomorrow I'm going to give you another one of my private secure lines, I have that no one knows it but you guys will know it.

T. Sure

PN. Then we talk on that. From my point of view you guys got to be sure you guys are safe

T. Sure man

PN. The other guys haven't changed the phones yet so?

T. No

PN. Ah shit. I'll see you guys tomorrow

T. Ok chief 21:38.57 PN leaves the car 21:39 to 21:56.06 drove back in silence, one drop off 21:57.57 video stopped

Page 2 of 2

Recorded interview on 18-06-2015 commencing 18:05. Those present are Peter Nygard, Bobo and Toggie

Transcript of DM-4, commences from when Peter Nygard enters the vehicle. All speech will be indicated with initials.

PN: Not good at all. Fucking guys drag me to court tomorrow 10 o'clock with that fucking media circus over there, every fucking media's been covered, fucking all of the fucking cameras and Justice Bain who's being a complete paid-off asshole, been holding me up three years, and then I'm up for fucking contempt. The Deputy Prime Minister gave me a fucking permit to dredge the motherfucking marina. I followed that fucking permit and then they tell me I'm in fucking contempt. It's a fucking set up you know.

T: Chief, we going by the Deputy Prime Minister house tonight. Because he's not known, but I know where he...

Audio cuts out from 18:10:16 to 18:10:23

PN: He said he was going to call me back and talk to my lawyer. I mean it is the height of humility, I'm gonna go and meet the fucking prime minister in another country and another country and Fidel Castro and Cuba, and then I'm gonna end up here in some fucking court there with some pinhead fucking judge. What a fucking country.

B: You tried to call the Prime Minister but they said, they give us the number for his office but he was in a meeting with another Prime Minister. Chief they fucking around, straight up.

PN: I know, they are fucking around.

B: Brave, boy we told Brave the matters ain't fucking around, straight up, we told him that.

PN: I know. Everybody told them, I've been putting pressure on them all. I've been sending emails down here (points at phone on lap), this is the worst fucking experiences of my life I said, what a fucking thing. It cost me ten million dollars, fuck around, since the Prime Minister let this guy loose (Inaudible) and their fucking terrorists for christ sake.

T: Chief the PM, our guy is working. Take a look on this. Look at that good. I told them I don't want them fucking come and then do nothing stupid, because

this court case... you understand?

B: In fact approach him, you understand.

T: We have all the fucking pictures of Louis Bacon. I tell you he work, Bahamian-Haitian guy, he don't play.

B: He just like us chief, he is Bahamian-Haitian, he don't fuck around.

T: He's a bright-skinned gentleman, you understand?

PN: Where's this fucking construction site?

T: He from New York, I don't know where that is. That's not here.

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B: I don't think that's here.

T: He from New York, he have everything. This nigga don't play. He been to jail when I... jail too. He said just once you give him the word to fucking kill Louis Bacon he'll kill him.

PN: That's Louis Bacon?

B: Yeah that's him right there. Just give him the word. But you know this court case is going on now, I don't think its...

PN: I can't, I can't kill anybody, you know, I can't get into killing. I mean, I never broke the law in my life and I don't intend on starting right now.

T: Chief listen, I ready to, we ready to get this whole fucking thing over right now. Because this is a bunch of fuck.

PN: The trouble with me and him is that he's the fucking crookest dude I'm the fucking straightest dude now I have to get into a pissing contest in this country, you know? You get into a pissing contest in this country and you don't piss, you lose, right?

B: That's true chief.

PN: So, tomorrow...

B: We wouldn't let this guy see you. We'd never let him meet you.

PN: No no [inaudible].

B: He's high end, he's very high end.

PN: So, he took these pictures of Bacon where?

B: He took them inside New York somewhere, because he from New York. He down from New York. He is from New York, he's be in the Bahamas. But see I want, chief, I'd like him for him to meet you but it might be a problem him meeting you.

T: Chief I can't take that chance, I don't want no body to meet you. I don't trust nobody.

B: See, that's how we deal with Brave and Christie, because only us two meet them.

PN. [inaudible]

B: Whatever order you give us, we take it on, that's it - I don't need Tom Dick and Harry to meet you

PN: Yeah, that's exactly right, I took one of Bacon's plants [inaudible] fucking was spying, you know? So he plants fucking people on my goddam property. And you know, you heard the fucking time when he had 12 policemen come and serve me at the airport?

T: Yup.

B: Yeah, you told me about that.

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PN: Fucking [inaudible] dogs, guard dogs, at a time when we had already agreed to have him serve my lawyer but they just wanted to make a spectacle of it, and just instruct them to... you don't serve... one guy serves, you know, normally, documents appear in court which is the court today, you know. But instead I was set up and now they are setting up the press to do a big fucking blow-up story 'Nygard held in contempt or court' whatever, whatever the fucking ruling is gonna be out there now.

B: Chief you know how I go, any problem you get I'll take care of it, any problem. All you have to do is just give me the word. Chief, we look like we easing up now, since you seen us.

PN: Well, we have to think about this tomorrow because I wonder if we could turn this around on Bacon – because you know having the fucking media there is presumably to do a story about me being in court writing about me being in court, in front of justice Bain, contempt of court again - then of course the press is going to write it and the TV shows, 'Mr Nygard doesn't appear', et cetera. Instead we should be having something that's saying that Bacon is not letting Save The Bays be the person, but Bacon himself is setting this up and his racist [inaudible] all that fucking stuff.

[Inaudible] and he's gonna get the number one guy in USA, the number one racist lawyer in charge of all this stuff – he's gonna be representing one of our guys who makes some really racist remarks of his. So his racist card is gonna blow up in his fucking face (inaudible) the thing about Bacon is he's as racist as they come behind the scenes. One of the guys who who use to work for him, a guy on TV and on radio, they got him on radio and TV, the fact that he used to be hired by Louis Bacon to plant evidence against me. That they had planted drugs on my fucking property and they were gonna call the fucking police to find the fucking drugs floating on my beach. Fortunately for me it floated pasted me and to my next-door neighbor's house. So he's telling all these stories on the radio for Christ sake there's 26 pages of a fucking bad police of Bacon himself that's out there now grabbed by the press. So he's also calling these guys about the goddam racism, drug dealing, moving drugs, you know, bringing prostitutes to his place all that fucking shit you know? His wife's left him he put his wife in a fucking mental hospital – she's out to spill the fucking beans as well - all this shit is coming down on him -(inaudible) a fucking harness - mean while he's getting all of his PR, this negative PR against me – he's got a slew of shit behind him

B: Yeah

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PN: So anyway the punch line is that the racist card is his fucking vulnerability, and it's so fucking true. Every guy's coming after him now will be 'racist racist racist' - (inaudible) signs and of course he became very defensive about that so his best defence is a good offence he came charging at that fucking stuff right? And of course... let me see what this says.

Seen using phone.

PN into the handset 18,14:03 : Hello - whose - yeah whose that? - oh Roger I'm in a big meeting now I can't talk.

Ends call 18:14.24, PN: Stalk - (inaudible)

T: Chief, you have a problem, we need to deal with this problem (inaudible)

PN: Well I'm just looking at tomorrow now and whether we can put a counter play in there and go ahead and do this press while the press is over there and play our fucking card - you know with the boys you know and make the fucking media show more about him being a racist than me [inaudible], we got to derail this fucking campaign of his immediately - to make it something... another new emphasis on it. Bacon should be asked to leave this country . The Prime Minister should ask for Bacon to leave this country. Any another other Prime Minister, this fucking guy would be gone already. Pindling, Pindling, Ingraham, he would have fucking been gone already. This fucking guy he puts the other cheek up and of course he's putting my cheeks up there. I say Perry, it seems like you want to put your [inaudible] this fucking guy on his knees. And I'm supporting you for basically, what is it? So really, so I don't need to fight this other guy.

T: When I spoke to Perry, he say 'Man, why yall...' he, this what Perry ga tell us: 'Why y'all letting Bacon continue doing this to Nygard?' I say, 'You is the fucking man,' you understand? If we fuck... if we kill Bacon now, then that means we go... fucking, you understand? Especially with this court case.

PN: You kill Bacon I go to jail so no no, how we got to kill him is at his own fucking game, his own god damned fucking game.

T: Ok so, what you want u to do ?

PN: Well I think were going to have to really get [inaudible] at the court house.

B: I tell you, we can get big support for you chief - how much people you want chief - how many you want?

PN: that's what I want to talk about right now - can't get so many that they're...

T: Two bus loads, three bus loads?

PN: I know I know, I know you guys can do it it's just a matter of having the right message... overrun with the fucking press you know. A message. What

should that message be, you know? The message is that this is not anything to do with Save the Bays, the only one using them is Bacon. He is hiding behind this fucking Save The Bays shit. That's not Save The Bays, that's Bacon.

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It's not Lyford Cay people it's always Bacon Bacon Bacon - Louis Bacon

T. So Chief we could, we could do some signs, say 'Bacon leave town' We don't want him in our country.

PN. Yeah, 'You're not welcome in our country', 'You're not welcome here', 'Leave town Bacon,' you know, et cetera. He's making a mockery of that whole judicial system. It's the laughing stock of the fucking world, you know? [inaudible] I'm just wandering what the key buzz words are right now - surely surely, surely someone can write the word 'racist', one way or another.

Because he had a reporter hired [inaudible] racism, he knows that's his vulnerability - he covers it up - so what he does is he gets somebody to write about it and then (inaudible) - it becomes old news and nobody else is going to buy into the story, the story's already been written by credible newspapers, I know his fucking game already - so this guy is a racist himself - he slurs and fucking racial remarks [inaudible] so we found out exactly what I suspected, that Bacon hired a guy to write a racist story, to write the racist story that he wants to write the racist story, and it should be written [inaudible].

T. So what about your boy, what his name was in the Department in the Ministry of Works?

PN. He still works there. Major

T. Major. Michael Major.

T. So he still fucks around with you? Because I know after we threatened him...

PN: I don't know if he still there or not.

T. How about this Fred Smith, he still...

PN. Oh yeah, he [inaudible] yesterday, making sure that I go to court tomorrow (inaudible) and now they got a whole campaign saying Nygard was suppose to show up at court yesterday and the judge has now ordered him to show up to court today or (inaudible) arrested.

T: Chief two things. One: we going to get that little [inaudible] what you need, you understand? And two: you know our guy got these, I don't want to bring him to you chief, you understand?

PN: Yeah, I just thought this was a... I don't know where this is leading us, so he's got the information.

T: Yep we've got good information we know everything

PN: On Bacon in New York and other places - these pictures show that he (inaudible)

T: He showed us, you understand? And this live pictures they ain't no make up pictures - I told him I said chief - just trust us you will be rewarded, trust us, you understand?

PN: I wonder what he, I wonder what does this bring to the table.

T: I don't know chief but I really don't want nobody else meeting you chief - you know we the boys

PN: yeah yeah yeah ill work it through you. I'm just trying to think so what can he do - taking pictures or anything - you guys gotta catch him at something you know?

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T: I know

B: Yeah

PN: Just like we're trying to catch him at bribing you guys right ?

B: Yeah

PN: So that could be put on hold now and used later on or something, is that what we...

T: Yeah, that could work.

PN: I think the Prime Minister is going to use this election campaign issue somewhere down the line. I want them to do a whole fucking investigation on Bacon...

T: I know, I know.

PN: If they do a whole investigation and tap his fucking line, tap his line and write whole fucking stories on him. (inaudible)

T: You ever ask him to tap his line? You ask him yet?

PN: I told him I said for Christs sake - it takes you two and a half hours and you know everyting about everybody if the guy belong (inaudible)

T: Prime Minister slow man fucking slow slow slow.

PN: It's disgusting it's disgusting

T: If Pindling was alive, trust me.

PN: Pindling would have kicked this guy out a long time ago.

T: Fucking slow slow slow

PN: Ingraham Ingraham (inaudible) on TV whys isn't fucking Perry Christie, he should go to fucking parliament and call him out, he's done so much damage to the country

So in any case, in any case, I don't know where we have to go with that but important right now is what happens in the morning - crazy (inaudible)

T: what time is it

PN: ten 0 clock in (inaudible) 10.15 is when I'm suppose to be there then 10.30 is when the courts supposed to start - but all the fucking press is going to be there

T: Well all you got to do is catch the media

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PN: Well the medias going to be there but that's the problem, they're just gonna bombard with all this stuff, all this stuff over here, and forget all about me - I just just sneak through the fucking back door - be a side show compared to the show

T: Oh chief you want us to make up some signs - Lewis Bacon has to leave this country because he's racist. Ok, but I'm not gonna put the Ku Klux Klan on it right? Don't put that part?

PN: The Ku Klux Klan is all about his ancestry his great great grandfather was the leader of the Ku Klux Klan his name was Moore. Bacon named his, you know, his company in his honor - Moore's Capital Investment. Bacon restored his Moore plantation where he was punishing all slaves [inaudible] put him on a pedestal.

Vivian Whyllly was fucking beside himself cos he tricked them and promised them he (inaudible) - So here he is honoring his grandfather for being a racist and belittling all the people who are here and especially me (inaudible) 18:24:03

T: (inaudible)

B: (inaudible)

PN: (inaudible)

T: (inaudible) PN: Did you see those toilets -(inaudible)

T: So chief, how many people you want us to bring out with us chief (inaudible) we can't do it too late.

PN: (inaudible) over whelm those fucking cameras right

T: (inaudible) how much people so we could (inaudible)

PN: I don't know, maybe 50.

T: 50's good?

PN: Inaudible.

T: That's good, that's plenty support.

B: Even if we have 60 (inaudible)

T: I want a lot of girl to be there (inaudible) some lovely ladies

PN: end of the day if I got (inaudible) swim suit on - lot of people very very upset with Bacon - the administration is very upset with me (inaudible) and the fact im

helping a lot of people I will be lynched (inaudible) happy for all the support that all you people have given me. I need that right

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T: Yep

PN: along with everything else etc etc - we cant loose (inaudible) so guys gona get that motivated (inaudible)

T: yeah

PN: (Inaudible)

B: LH is doing a good job on the talk show, on the radio

PN: Who?

B: LH

PN: [inaudible] so I think this is a very timely issue now to be very responsive.

PN: gives you a chance to earn some fucking money and be compensated - have the media with and this report - you can see ho fucking pissed off I am

T: yep yep - chief be going around the round about two thirry in the morning - chief we be up early early

PN: make sure they at ten the cameras are here and (inaudible)

T: No problem Sir

PN: So the whole fucking story is over

T: Ill start it over - handle everybody right atfer no more

PN: (inaudible) I'm gonna have to be (inaudible) T: ok no problem

PN: (inaudible) T: Chief safe one

18:28:31 PN leaves the car

Transcript of DM-5 Interview recorded 06-07-2015 @ local time 20:30 approx. Those present in the car are Bobo, an Tugi and Peter Nygard. All speech is represented by initials

(***** represents Inaudible conversation)

B: Hey Keod Smith, what's going on? Everything cool?
(inaudible) Hey Mr Mackey ***** just give me a minute.

PN: My fucking knees

T: Everything good?

B: What's going on chief? Keod Smith ***** talking about us hey?

PN: Yeah ***** we're going, a couple of issues with these guys, we're going – I got to go try and meet the fucking prime minister. Son of a bitch. So you guys haven't had a chance to meet with anybody, right?

B: No.

PN: He's up to his eyeballs with this Baha Mar. I'm gonna goddamn try ***** Those guys hold the responsibility for ***** this fucking thing - those guys accepted free land from the Bahamian government, accepted all the construction... made a goddamn commitment. How dare they pull the rug from underneath the prime minister and hurt all the people in Bahamas.

B: We should run fucking them fucking back, run them.

PN: I said they are responsible, I said it over and over again, that idiot kid who doesn't know what the hell he is doing, and

he's got his daddy's money, spending it *****. I'm so pissed off you know, he's got no right to hurt the people of the Bahamas because jobs he associated with it, given a life like that ***** bankrupt this shit government and they dare to stop ***** it's the Prime Ministers fault you know? and there's been 2 or 3 TV already today and yesterday calling him a fat director and going to describe the charade of these fucking developers, you know? I just love to compare it to Sol Kerzner, he put that ***** together and right on like clockwork. This guy puts this goddam shit together and just pulls the rug from underneath. And it's a year later already you know?

And then another issue is this whole battle is now taking up ***** we've got the number one civil attorney, racist attorney in the world Billy Murphy he's the guy fighting for those African-American kids that got killed and damaged in the USA, most powerful lawyer in the civil rights movement, you know Jessie Jackson and all those guys are his best friends and et cetera. He's been here the whole weekend now in order to gather evidence on Bacon ***** this goddam thing is coming right down to the point that he's a racist and he's trying to string me up like, you know, like a modern day lynching, right? Every god damn way, and that's what this whole campaign is going to start coming to right now, it's going to turn into, it's going to turn into Clifton, you know? Hopefully its gonna turn into...

I had a meeting at the weekend where I took rather underprivileged children to my house ***** with them. I pointed 'You guys, you guys not ***** Finland, we were living under the tyranny of Russia and we were not free.

(Audio breaks up) land of Freedom ***** and remember

And I, said ‘See that land over there you guys, see that up there?’ And I pointed at the Clifton. “That’s yours. Don’t you ever give that up. This guy who lives next to me is trying to take that land, he’s been trying to take that land for *****. And I am going to do my level best to *****”.

Keod Smith he was fighting for that land and put those docks in place, to allow people to go fishing and swimming and been there and the put injunctions (inaudible). Now they have an injunction with the Prime Minister for not use or development, with a sign forbidding so way.

“No way, over my dead body. You got to enjoy that God damned land of yours.” I said “Here, I’m giving a cheque here to these guys,” they were a community group, you know? “For the purpose of having an event for you every Sunday over there. Driving the buses over there and having you enjoy your beach. One of the nicest beaches in the world and it belongs to you.” I said “You know inner city kids over here

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you don't get a chance to do that, I’m telling you, you get a chance to do that right now.” That's why I hate these (inaudible) We go and enjoy ourselves (inaudible) have a party over there (inaudible).

00:06:30 Inaudible (whispers) ***** this guy, trying to write this goddam story, doing some fact checking right now ***** You know what they used to say? ***** Dwight guy, Dwight guy? ***** when I was going on Ortlund Bodie Show, you know ***** Mr Nygard ***** years ago, plantation ***** every single day of my life ***** you know what they use to call you? They used to call you a nigger *****.

B: (00:7:48) Bacon needs a slap in his fucking mouth man

PN: Fucking right.

B: You understand?

PN: *****

B: *****

PN: I say he's gonna get that dick you know ***** Jesus Christ ***** put that all on tape right now ***** Murphy ***** and then comes out more kind of things ***** Miller was trying to come and see me trying to interview this guy Eric ***** Bacon ***** security ***** stops him ***** doesn't make a phone call ***** turns him back *****

(Audio cuts)

What do u mean I can't ***** you can't, you got no fucking right to stop anybody there.

***** he's a racist fucking ass - I get so pissed off with the guy being a modern day racist, right - you know we showed pictures of these guys with Ku Klux Klan covers on their heads?

B/T: Yeah.

PN: Well he may not have a cover on his head, he has a cover – Save The Bays – he has the cover of... everybody, everybody else is his fucking cover. He hides behind them ***** this whole battle is turning into, from here on in, into a major fucking racist battle. That's his weakness that's what he wrote a book... got this guy to... claims his reputation on that,

that the way to Audubon Society, and I don't know if that ***** needs to be louder but, the first line was that I turn to the holy book, 'My holy book is, *Gone with the Wind*.' That's his fucking holy (audio cuts). That's the most controversial (audio cuts) in US ***** that confederate flag and *Gone with the Wind*. Those are, his flag is reigning over these fucking plantation sites and *Gone with the Wind* is his fucking Bible. So this guy comes from the Grand Dragon of them all – you know, you know Keod got his fucking book, the whole history ***** Grand Dragon of the Ku Klux Klan, that's his ancestor and that's what he's celebrating. And Whyllly comes from the slaves and here we got the generations, the slave master fighting against the slaves still ***** he exports racism into this fucking country we didn't have racism in this country

B: No

PN: No he exported that fucking thing.

B- (inaudible) he fucking with you man, and I tell Brave that, I didn't tell him exactly what, but I said ***** keep on fucking with Nygard because Nygard asked him to stop basically, but I didn't tell him why.

PN: Ok so, so I think somebodies (inaudible) Bacon (inaudible mumbling) – even, even something like Al Capone, people loved him (inaudible) you guys, you guys, you guys ***** let that son of a bitch try to*****

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T: They can't ban us, we're native, we're native that's our beach.

PN: Yeah.

B: Once you fund us, once you fund us, every Saturday...
when you want it to be, every Saturday?

PN: Yes! Let's – I'll do it every Sunday. You guys do it every Saturday. And that fucking weekend, that that that place over there, it's gonna be rock and roll. Every goddam weekend. I want underprivileged kids, Bain Town guys in there and they're gonna say 'What a goddam beach that anybody can use it,' but I'll tell you what, that's one of the most beautiful beaches in the world. You know? That fucking beach is better than Nygard Cay beach. I'd like to have it. Bacon also offered Keod, they tried to steal it for 25 million dollars, the whole goddam thing ***** that belong to you guys, you're fuckin right, you know and there is no fucking way that white racist fucking guy is gonna take that goddam thing away. I'm so fucking pissed off about that.

We were trying... I had my models walk that ***** 25 of them ***** they destroyed the fucking dock, they've destroyed ***** the goddam boat ***** do not enter sign, they've got a dock on the swamp stuck on the land, they tried to keep it as if it were an environmentally unsafe area, you should see that place. Now he's trying to do a little better, so just last year with 800 underprivileged kids ***** summer camp, and they had promised to set it up for volley ball and swimming. Last minute pulled the rug from under them ***** they came all to my place and I held that fucking camp, that camp at Nygard Cay.

13:12 So this year***** , you join forces with me let's disregard (inaudible) he said I've already saved the goddam place its already taken. On this tape he says, 'I've save the place for thousand, ten thousand Bahamians' What the fuck, your God damn Bahamian isn't allowed to go the goddamn

beach instead of... don't give me that shit, saving the fucking beach, no no no way no way that's for you guys, that's one of the prime pieces of property in the world, you guys never give that fucking place up

B/T: No

PN: We got save it for the underprivileged for the Bain Town, you know, and so forth, right? That's who fucking enjoys it. So what's the big problem, getting there? Then we'll get buses, go over there, fuck it you know?

B: Small things.

PN: That's small fucking things you know, and then ***** fun things, events over there. Going over there, and it will fucking drive those guys nuts and there'll be a goddam battle over there forever, that's the last thing fucking thing that they want *****

So then Smith, who is really a major advocate, he's gonna do the PR, so, they're gonna tell about that place, about Whyllly ***** goddam show and talk about it, and expose that goddam guy over and over again. It'll be the best goddam camp ***** Murphy is gone be suing the guy for God damn racism ***** Then of course we gotta get the fucking Prime Minister on his fucking ass. Because this is... You know they tried to do is they tried to make it seem like the prime minister can't get nothing done, he couldn't get the work to stop over there, and blame it all on him, and then they want to sue him, he has to give it up to the Environmental minister who is in their fucking pocket. One way or another they try to control that goddam land.

This guy Munroe, he is the guy he used to by himself he used to fight this fucking battle, he cries for help ***** come and

help him.

B: Monroe?

PN: Monroe yeah (inaudible) Munroe went to try to clean up the beach (inaudible) Tried to stop him from being able to use that ***** They couldn't buy the guy off so now they got (inaudible) control them completely.

B: Chief, let me show you something, when you go off, any time you come into town you need to either call me or message me; you need us more closer to you than ever these days, you know what I mean? I don't want no one to fuck with the chief, alright?

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21:07:30

PN: ***** we've got a lot of people on the pay right now

You know who (inaudible) on the information that's going on (inaudible)

B- Inaudible 21:08:00 inaudible conversation mumbling

PN: I was hoping to make a ton of (inaudible)

21:09:30 inaudible conversation

PN: but everything we can fucking do (inaudible)

21:10:00 Inaudible conversation

PN- environment (inaudible) I spend four hundred thousand dollars ***** report ***** zero evidence of anything fucking

ever flowing towards Jaws Beach, ever. You know what happens when it disappears from Jaws Beach? It goes into the marina, it's in the channel of Lyford Cay, then it goes just like... from my beach it goes into my channel, from that beach it goes to Lyford Cay. They they had to take up that thing and put it back. You know what they did? They were gonna put it back but they told the guy who was digging it it will be hard to ***** so they were gonna let him keep the sand of Jaws Beach, that belongs to the fucking people, this fucking pirate was gonna pay the guy off for that beautiful sand ***** most valuable sand in the world ***** so that they could not show that the beach was actually ok and it's just sand missing.

So I went, 'Look in the Lyford Cay channel and see the fucking thing there, and they now have to dig it out themselves. So this is what Munroe is saying they are trying to do ***** they are claiming that I robbed them of that land.

PN -(inaudible) Keod is going to be going over there, he's gonna be filming the goddamn thing ***** people over there, enjoy the goddamn beach ***** as far as those two fucking frauds are concerned, if we can turn them that would be the best avenue.

B: We can do that chief.

PN: They need to turn, we need fucking ***** ways to catch this son of a bitch *****

(inaudible conversation)

So listen I haven't met with the big coward – this prime minister won't meet with me. Fucking scared. Me, I'm defending ***** every fucking time I go on TV, I go 'Don't

you dare blame this on this prime minister *****.

B – (inaudible) Every Saturday now chief, once the buses come round, like I said, once you message me or, you know?

PN- yeah we gotta organize that now (inaudible) community meetings there *****

B: Yeah chief, no trouble, no problems, no nothing.

PN – Yeah, class class (inaudible) I'm sick of the fucking ***** now

B- If anybody asks us why we did that, we did that because we from Bain Town... I'm just asking

PN - Yeah that's right man you know

B - Just asking

PN – You guys are, hell, yeah if you want to take your land back, it's your fucking land I don't really need it its your fucking land, it's not Bacons fucking land, he's a fucking racist trying to steal fucking land from you , Bullshit on that

21:15:30 Inaudible conversation

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PN - So ermm, we gotta keep this fucking rolling now right, really put the pressure on that that man , look you gotta take (inaudible), whole fucking people don't want him here (inaudible) 2 fucking years on this injunction (inaudible) then hold me in contempt this government (inaudible) in contempt (inaudible) meanwhile they clear their fucking sand over there but I can't clear mine *****

B- Chief (inaudible) the problem is that the judge you have on you, is an FNM judge.

PN: Oh yeah

T: You need to get a PLP judge

PN: That's right.

PN- and the prime minister's got got every fucking (inaudible) he's got to get rid of these fucking injunctions which are totally bogus, and in order to get rid of them he's got to get rid of Bain in there, you know (inaudible) then he gets rid of the injunction, and when he gets rid of the injunction he can give my fucking work permit and then fucking Bacon, Bacon's whole campaign goes out the fucking window

B- (inaudible) we need to send a stronger message to Bacon? We need to get Bacon over here in the Bahamas and that's where we can get our hands on him , Trust me

PN- Bacon should be outlawed **** the government of the fucking Bahamas, Bacon's bringing fucking racism to this God damned country ,, You know (inaudible) exporting racism, he uses the fucking racist card you know, He celebrates his fucking great great grand daddy God damned plantation and he doesn't want anything to do with Whylly plantation which set you guys all free, he doesn't want to hear anything to do with setting slaves free, fuck - we should be all very proud of that God damned place it's the best kept fucking secret for Christ sake, you know, everyone's proud of their fucking heritage for Christ sake, you guys, this country, a hundred years earlier (inaudible) we haven't had much of racism here at all that was quite a long time ago, and he brought the fucking stuff back, you know.

Modern day lynching of me for Christ sake you know, I'm just trying to do the right thing you know (inaudible) fucking ass (inaudible)

B- I do want to talk to you over there (inaudible)

PN- I don't I don't want him so close to the thing myself, I (inaudible)

B- we don't never let him know our business.

PN- I don't tell him none of this either so

B- Alright alright

PN- Everything is ok , nobody knows about us , you know he happened to be there so that's the reason he came in front of the car, but you know there's nobody I tell about this stuff. Even if I talk to, you know (inaudible) - and we want it to remain that way right, (inaudible) Deputy Prime minister only knows about ***** and its gonna stay that way, don't wanna work with Leo (inaudible) or any other guys that's why I've been working directly with you on this we have a close relationship, he's a good mouth piece for us but the mouth piece can say the wrong thing sometimes

B- (inaudible) you know (inaudible) Video and audio end at 29:45:00

Cables:

Tel: 242-325-7601
Fax: 242-328-2644

Please address reply to:

Commissioner of Police
and quote

Ref: POL. 15/6 xr 19/1

POLICE HEADQUARTERS
P.O. Box N-458
Nassau, N.P.,
The Bahamas

11 July, 2014

Mr. Livingstone Bullard
Nassau, The Bahamas.

Dear Mr. Bullard:

RE: PERMIT FOR PEACEFUL DEMONSTRATION
JULY 14, 2014 – RAWSON SQUARE

Your request dated 4 July, 2014, has been received and its contents noted.

Please be advised that your request for a peaceful demonstration to be conducted in Rawson Square has been approved. Inspector Kemp, Officer in Charge of the Licensing and Permit Section has be advised to assist with a permit. You may contact his office at telephone number 302-8006 in this regard.

Yours sincerely,



Leon E. Bethell, LLB, (Hons.) LEC, AA,
Assistant Commissioner
Uniform Operations
for: Commissioner of Police

LEB/sabf

cc: OIC Central Division

OIC Licensing & Permit Section

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The Tribune

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Nygard Denies Paying Men To Disrupt Rally



Peter Nygard

[As of Thursday, December 18, 2014](#)

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LAWYERS acting for Peter Nygard, the millionaire fashion designer, have denied allegations that he asked a group of men to disrupt a Freedom of Information rally ten days ago in downtown Nassau, after which two environmental advocates asked for police protection.

They were responding to a suggestion by Joseph Darville, a director of Save The Bays, that, when confronted, some of the men had claimed to have been asked to attend the protest in Charlotte Street on December 7 by individuals working for Mr Nygard.

“Our client did not pay anyone to disrupt the said rally and had nothing to do with the alleged demonstration or any threats or intimidation or mischief whatsoever by anyone in the situation outlined in the publication,” a letter from the legal firm Evans and Co to The Tribune on Tuesday said.

Mr Darville and fellow director Fred Smith asked for police protection after the rally was disrupted by what they said was a group of men, on a flatbed truck blaring music and carrying “menacing and defamatory” banners. Mr Smith described the disruption as “disgusting” and that he and Mr Darville now “fear for their lives”.

“A peaceful gathering in support of Freedom of Information was nearly hijacked by a bought and paid-for mob sent there to intimidate and cause trouble,” Mr Smith said in a statement.

“Considering the increasingly sinister tone of their messages, many of us are now very afraid. We call on the Commissioner of Police to intervene and protect us before someone gets hurt.”

A senior police officer turned the protestors away but they returned and Mr Darville confronted them. Photographs showed the men wearing shirts and waving placards bearing slogans about Louis Bacon, a neighbour with whom Mr Nygard is involved in a long-running dispute.

Police confirmed that the men had no permit to protest.

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Comments



[TalRussell](#) 10 months, 1 week ago

Running scared? Comrades upstairs over at Shirley & Deveaux. What's up with how quickly you seem delete any story on Nygard in matter of hours? Your newspapers two Nygard stores in past three days, were deleted in less than two hours. Why so?

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[proudloudandfnm](#) 10 months ago

Nygard is such scum man.

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PDF Edition



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**AFFIDAVIT OF ROMAULD
FERREIRA**

I, **ROMAULD FERREIRA**, make oath and say as follows that:

1. I depose hereto from my personal knowledge unless otherwise stated, and where otherwise stated, I set out the grounds and sources of my information, which I verily believe to be true.
2. I am an ecologist and a partner at law firm, Ferreira & Company. I am also a director and legal counsel to Save the Bays.
3. I make this statement to describe acts of harassment and intimidation which I have been subjected to.
4. In July 2014, there was an attempt to break into the offices of Ferreira & Company. We arrived at work that morning to find that the windows at the northeast portion of the building (near the stairs) had been smashed open. Upon close inspection, we noticed a large rock on the floor of the northeastern office, with shards of glass scattered all over the carpet and desk.

5. We immediately contacted the Central Police Station and reported the attempted break-in. They promised to send a team over to investigate and dust for finger prints. The call was made at 8:35 am. After several hours had passed without word from the Police, we called again. They promised to have the team here at 4:00 pm. The team never came! The next day we called again. Promises were made, but no one ever showed up!
6. We kept the rock and shards of glass in place for several days, repeatedly calling the police. It was as if they were not concerned about our safety and protecting our property. Eventually, in our frustration, we repaired the windows and installed a security screen over the glass to protect ourselves.
7. On the 29th October, 2014 the intruder(s) returned. They stole copper fittings from an air conditioning system and attempted to gain entrance through our back door.
8. We again reported the matter to Central Police Station. They promised faithfully to send a team to investigate. We followed through several times but again no team ever investigated the crime scene. We were beginning to notice a pattern. Needless to say, we felt abandoned by the Royal Bahamas Police Force and left to fend for ourselves.

9. In February 2015 when I was in Starbucks in Palmdale, I was approached by a man called Ricardo Smith who is a known PLP “hatchet man” and consultant for Urban Renewal. Mr Smith explicitly threatened my life for making “noise” about the PLP Party in the media. Mr Ricardo Smith said words to the effect that: “When you criticize and make noise against the PLP we tell you to bring cameras. When you continue to make noise against the PLP we tell you to bring even more cameras so when we kill you everyone will see and know what happens to those who make noise and criticize the PLP”.

10. On 6 March 2015 a heavily tinted red Honda Accord was parked across the street from my offices. I associated the vehicle with New Providence criminal gangs as I am aware that vehicle was the type commonly used by such groups. I was not able to identify the occupants of the car, which sat idling for some time before speeding away when I approached in my own vehicle. The vehicle did not have any licence plates displayed.

11. On 2nd April, 2015, there was an incident at my home. Our housekeeper had the tires on her car stabbed with an ice-pick or screw driver. I insisted that she report the incident, which she did. The incident was reported at the Elizabeth Estates Police Station. Once again, no one came to investigate!

12. We knew at this point we were on our own. As such we installed an alarm system at my home and office. Thank God we did so because on 2nd May, 2015, at around 5 am, there was a loud crashing sound at my home. An apparent attempt to throw an object against one of the doors triggered the alarm system, and obviously deterred the assailants. We've since installed a surveillance system, but my family lives in a perpetual state of fear, without any confidence that the Royal Bahamas Police Force will be there when we need them.

13. On 21 April 2015, I was approached by someone known to me as "Duff" from Elizabeth Estates. He said words to the effect that: "Hey Ferreira, I know you from talking about the environment and the development at Nygard's house. I thought you were talking shit but I checked it out on the internet and what you saying is we have to save it or we will have nothing. He then said in a menacing tone "don't handle Brave Davis' name with your mouth he is help a lot of niggers on the streets. He is our Daddy. When dem niggas was plotting to jack you by your office I told them not to kill you. Don't handle Brave Davis' fucking name." I took from what he said that the previous acts of violence had been as a result of my association with Save The Bays. Needless to say the incident left me feeling extremely shaken.

14. Sometime in November 2015 I was physically intimidated by an individual named Vivian Whyly, who was lingering in the northwest

section of the courtyard in front of my office on the pretext of seeing another lawyer in the building. Mr Whylly said words to the effect that Mr Peter Nygard really loves black people, because Mr. Nygard had invited him to his home to have dinner with him. Mr. Whylly also indicated that Mr. Louis Bacon did not like black people because Mr. Bacon never invited him to his home. In addition, Mr. Whylly also intimated that Mr. Nygard only wants to rebuild his home, which was destroyed in the fire.

15. These events have left my family and myself extremely distressed and concerned.

SWORN to at One Millars Court)

Nassau, N.P. The Bahamas)

this 3rd day of March, 2016)

Mrs. [Signature]

Before Me,



Martin A. Lundy II
NOTARY PUBLIC

Partners

Colin E. Callender, Q.C.
Frederick R.M. Smith, Q.C.
Lester J. Mortimer, Jr., Q.C.
Stephen A. Turnquest
Chad D. Roberts
Llewellyn V. Boyer-Cartwright
Courtney L. Pearce
Simone Morgan-Gomez
Jacqueline H. Banona



27th February, 2015

By E-mail and Hand Delivery

Mr. Ellison Greenslade
Commissioner of Police
Royal Bahamas Police Force
East Street
Nassau, New Providence
The Bahamas

Dear Mr. Greenslade:

Re: Directors and interested parties of Save The Bays' complaints against perpetrators of Hate Rallies

We write on behalf of Diane Phillips, Frederick Smith QC, Joseph Darville, Francisco "Paco" Nunez, Reverend CB Moss and Louis Bacon¹ in relation to the criminal threats, intimidation and harassment they have endured during various public protests over the last seven months ("**the Hate Rallies**"). The victims of the Hate Rallies are all Directors of or actively involved with the

¹ For the purpose of this complaint as a director of Save The Bays.

Island House
East Mall Drive
P.O. Box F-40132
Freeport, Grand Bahama
Bahamas
Telephone: (242) 352-7458
Facsimile: (242) 352-4000
freeport@callenders.net



Also located in Nassau:
One Millars Court
P.O. Box N-7117
Nassau, Bahamas
Telephone: (242) 322-2511
(242) 322-1381
Facsimile: (242) 326-7666
nassau@callenders-law.net

environmental lobbying group, Save The Bays, which seeks to ensure the preservation and protection of the Bahamian environment.²

It is thought that the genesis of the Hate Rallies lies in opposition to Save The Bays campaigning work which has included lawfully highlighting environmental abuse.

While directors and members of Save The Bays welcome reasoned discussions in response to the campaigns, the behaviour of the participants at the Hate Rallies is criminal and well beyond acceptable limits of freedom of expression. In fact, such behavior is likely to incite riot and/or violence.

The Hate Rallies have caused our clients fear, anxiety and grave distress which will continue until they obtain assurance that their safety is not in question and they will not be subjected to such abuse in the future. They are also in fear of their well-being and safety. As such, they seek confirmation as to who is responsible for instigating the Hate Rallies as their anonymous nature is, in itself, distressing.

We are also uncertain whether the perpetrators of these Hate Rallies lawfully engaged in the same by obtaining the requisite permits and seek an investigation on this point.

Consequently, we hereby make a formal complaint on behalf of our clients in respect of the actions set out below and request that you investigate the matters further, deploying appropriate measures against those responsible.

² Information about Save The Bays' status and work can be found on its website www.savethebays.bs.

1. The 14th July 2014 Protest

On the 14th July 2014, a group of persons participated in a protest against Louis Bacon, Fred Smith QC and Reverend CB Moss on Bay Street (“**the 14th July Protest**”). ZNS described the 14th July Protest to be in support of Peter Nygard. During this protest placards were brandished and clothes worn by the protestors containing offensive and threatening language.

For instance signs declared:

“It’s time to put the trash out. Louis KKK Bacon”.³

“Louis Bacon is a liar”

“Save the Bay is a fake cover”

“Join the Coalition to Banish Bacon”

“CB Moss is a liar and a thief”

“CB Moss is a paid fraud”

³ It should be noted that at around the same time Mr Nygard prominently displayed a sign on his property stating “*It’s time to put the TRASH out...Louis KKK Bacon...Moore Capital Management.*”

“Reclaim Pigeon Pea and the Mud Fred Smith”

“CB Moss a slave to Bacon”

Amongst the other claims above, Louis Bacon was accused, with no foundation, of having membership in the Klu Klux Klan.

During an interview with ZNS, Thomas Chea (described as a supporter of Mr. Nygard) claimed that the objective of the 14th July Protest was to defend the criticism against Mr. Nygard concerning his controversial development plans at his property, Nygard Cay, which Save The Bays has drawn public attention to.

ZNS’ coverage of the 14th July Protest is contained at **Video 1** on the enclosed DVD⁴ attached hereto at **Exhibit 9**.

Separate and apart from the question of whether a permit was obtained for the above purpose, the 14th July Protest was in fact used to viciously attack Louis Bacon, Fred Smith and Reverend CB Moss by displaying highly offensive placards.

We refer you to the photographs exhibited hereto at **Exhibit 1** which evidence the 14th July Protest.

⁴ The enclosed DVD contains 5 other videos evidencing the Hate Rallies.

The following link contains a video entitled “*Pro Peter Nygard March, Anti Louis Bacon Protest*” which evidence the 14th July Protest:-

<https://www.youtube.com/watch?v=0oIOOZVRJ1E> (see **Video 2** at **Exhibit 9**)

Several posts on Facebook have alluded to the fact that the participants of the 14th July Protest were paid to attend.

A posting by Bahamas News Ma Bey indicated as follows:-

“Bahamians turn against their own for the mighty dollar”

“Nygard hires 6,000 Bahamians to march the street of Bay Street to say they support Nygard and call CB Moss and Frank (sic) Smith devils”

A copy of the posting is attached hereto at ***Exhibit 2***.

We also understand from a Facebook post made by Mr. Semper Fidelis, attached hereto at ***Exhibit 3***, he was paid \$250 to attend and take pictures of the event and each of the protestors had been paid \$25 to participate.

2. The Freedom of Information Street Party on 6th December, 2014

On the 6th December 2014, an event was organized by Save The Bays and its community partners to raise awareness of its campaign for the passing of a Freedom of Information Act in The Bahamas (“**the FOIA Event**”). Save The Bays ensured in advance that an appropriate permit was obtained for the event.

The day was to be a peaceful occasion where citizens could voice legitimate calls for a change in the law. Instead the event was hijacked by a group of aggressive protestors’ whose intent was to disrupt the peace and create an intimidating atmosphere.

Based on eye witness accounts, we understand the following to have happened:-

At about 6:00pm, just before the FOIA Event was about to begin, a group of young men on a flatbed truck approached the north entrance of Charlotte Street and proceeded towards where the event was taking place. They removed the blockades which had been placed (with the permission of the police) to close off Charlotte Street and entered the closed street.

The group was blaring extremely loud music and wearing clothing displaying the words “***Bacon KKK***” along with an image of a hooded Ku Klux Klan figure and a burning cross. They were loudly denouncing Fred Smith over their speaker system on the flatbed truck. They also carried banners which displayed hate messages directed at our clients.

In particular, the placards stated the following:-

“Fred Smith is a very dangerous man”

“Fred Smith is a Haitian Infidel”

“Who is Diane Phillips?”

“Bacon KKK”

Additionally, there was a placard with a picture of Fred Smith, Joseph Darville and Diane Phillips that stated *“Expatriate or Bahamians”*.

Witness accounts disclose that the group was shouting in an aggressive manner and was deliberately attempting to incite the crowd. It also appeared to eye witnesses that members of the group were intoxicated which made their conduct more intimidating.

The group’s behavior, combined with the offensive messages, not only caused our clients to fear for their safety but also the safety of the gathered crowd. Assistant Superintendent, Kenrid Neely, identified the security risk posed by the group and called for back-up. Police officers attended the scene causing the group to retreat from Charlotte Street.

However, at approximately 7:00pm the group returned. Joseph Darville, a director of Save the Bays and the police were forced to intervene. Only upon the threat of arrest by the police did the group begin to disband and leave. It also transpired at this point that there was another group, mainly of teenagers and children wearing similar clothing to that worn by the main group. They were also asked to leave the parade. As they were departing, Diane Phillips heard one of them remark “*Oh well, we’re still getting paid.*”

We refer you to the pictures attached hereto at *Exhibit 4* which evidence the events described above.

We also refer you to the Witness Statements of Joseph Darville, Diane Phillips, Romould Ferreira and Francisco Nunez annexed at *Exhibit 5*.

The following link contains a video entitled “**Friday on Bay Street**” which also evidence the protest against the FOIA Event:-

<https://www.youtube.com/watch?v=DZrIf-cBDCU> (see **Video 3** at **Exhibit 9**)

3. The Junkanoo Parade on 1st January 2015

On 1st January, 2015, during the New Year's Day Junkanoo Parade on Bay Street, a group wearing clothing and carrying placards which mirrored the same abusive and threatening language as that displayed by the groups who protested on the 14th July 2014 and against the FOIA Event also participated in the Junkanoo Parade (**the Junkanoo Parade Protest**). We understand that the group did not have the license or authorization to participate in the same.

One eye witness account described the group as an aggressive group of young men holding menacing and defamatory banners.

The clothing worn by members of the group mimicked the clothing worn by the Ku Klux Klan.

The placards which were carried by the group included, but were not limited to, the following statements:

“Bacon KKK” (with a picture of a burning cross next to the words)

“The Coalition to Rid the Bahamas of Louis Moore Bacon”

“Coalition to Banish Bacon”

“How does Bacon pull a Judge out of a hat?”

“Mr. PM please relieve us from evil-Louis Bacon”

“Bacon go Home”

“Bacon called Bahamian Police “Terrorists””

“Will the real Fred Smith please stand up”

“Fred Smith, the Unknown Entity, if he is a Bahamian he must prove it”

“The Pillars of Democracy are being completely destroyed by Fred Smith”

“Will Chief Bald eagle stand up and remove his toupee”

“The pillars of democracy are being completely destroyed by Fred Smith”

“Fred Smith Haitian Infidel”

“Fred Smith a Bahamian or illegal Haitian”

“Fred Smith another foreigner in the conspiracy to overthrow the PLP”

The following videos entitled “The Coalition Group New Year Day Junkanoo Parade” and “*Banish Bacon Junkanoo Protest*” respectively are of the Junkanoo Parade Protest:-

<https://www.youtube.com/watch?v=OsD1sIphsrw> (see Video 4 at Exhibit 9)

<https://www.youtube.com/watch?v=ptayXHkA9VI> (see Video 5 at Exhibit 9)

We also refer to the pictures and social media postings from various persons on Facebook hereto at *Exhibit 6* which evidence the events described above.

As the New Year’s Day Junkanoo Parade is highly publicized, our clients are gravely distressed that the group’s protest was seen by many locals and visitors to Nassau. They therefore fear the group baseless link of them to the KKK is likely to expose them to the risk of racially motivated violence.

It is telling that news reports referred to this incident as being orchestrated by a “*bought and paid for mob*”. A report on the Tribune website described the event as sending a “*clear message of hate, racism, xenophobia and anti-foreign mentality*” (see Exhibit 8.1’).

4. Breaches of the Penal Code

The above events represent a sustained assault against our clients over a period of seven months. The behaviour evidenced by eye witness accounts, video footage and photographs, breaches the Penal Code.

During each of the above events, the groups of individuals may have gathered illegally without license or authority, but certainly with the purpose of disturbing the peace. The highly offensive and intimidating references to the Ku Klux Klan caused terror to our clients, their colleagues, friends and family who fear reprisal attacks on our clients. Moreover, the agitated behaviour of the group proved to cause a disturbance in a public place.

Collectively, the perpetrators exhibited dangerous and criminal behaviour at the Hate Rallies. The statements, particularly against Louis Bacon and Mr. Smith QC, were also racist.

It appears that the following provisions in the Penal Code have been breached and that all necessary action should be taken to identify and bring to justice those individuals who have committed such breaches.

(i) Unlawful assembly contrary to section 79 of the Penal Code

During the Events the groups of more than 3 individuals unlawfully gathered with a common purpose to cause persons in the neighbourhood of the assembly fear and to disturb the peace and needlessly and without reasonable occasion provoke other persons to disturb the peace.

(ii) Disturbance of lawful assembly contrary to section 421 of the Penal Code

The group of individuals infiltrated the Events unlawfully and by their actions of common assault (by causing our clients to apprehend fear for their physical safety) obstructed the assembly of the persons who had gathered lawfully.

(iii) Causing public terror contrary to section 204 of the Penal Code

The group's behaviour during the Events, which were held in a public place, caused terror not only our clients, but to many who attended the parade as well as to those who were directly mentioned in their banners. We again refer you to the video footage, pictures and eye witness accounts which evidence the unlawful conduct of the groups of individuals at the Events.

(iv) Riotous behaviour in a public place contrary to section 206 of the Penal Code

The behaviour of the groups in a public place was riotous, indecent, disorderly and/or insulting. We refer you to the video footage, pictures and eye witness accounts above which clearly evidence the unlawful conduct of the groups.

(v) Making use of threatening, violent or obscene language contrary to section 208 of the Penal Code

It is clear that the groups of individuals used violent, highly abusive, obscene insulting and threatening language in a public place. We have set out above examples of the language used by them.

(vi) A person is guilty of libel who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, either negligently or with intent to defame that other person contrary to Section 316 of the Penal Code

The messages displayed on placards and clothing were highly insulting, utterly baseless and grossly defamatory of our clients. We refer you to evidence annexed hereto at Exhibits 4 and 6 which illustrate the menacing and defamatory messages displayed at the Events. Examples include, inter alia: *“Bacon KKK”* and *“Fred Smith Haitian Infidel”*.

(vii) Conspiracy contrary to section 89 of the Penal Code

We refer you to the evidence annexed hereto at Exhibits 2 and 3 which clearly points to the fact that these sustained attacks against our client were orchestrated by persons who paid the groups to attend the Events with the purpose of attacking our client and causing a public disturbance.

5. Police protection

The illegal and aggressive Hate Rallies cause our clients to call for police protection. Understandably they fear for their safety. The fact that it is not confirmed who is instigating and funding the Hate Rallies makes them even more disturbing.

(Continued at page 16)

6. Suspected perpetrators

Desk top research and eye witness accounts have identified that the following individuals and organizations were involved in attending or publicizing the Hate Rallies and/or may have information as to who is responsible for them.

1. Mr. Winton Burrows, the proprietor of a video production outfit named 4 Ways Production. Video evidence posted to youtube by Mr. Burrows confirms that he filmed the Junkanoo Parade.

We refer to **Video 3** and **Video 4**, both filmed by Mr. Burrows of the Junkanoo Parade.

We also refer to the video below entitled “**Nygaard Cay in the Bahamas**” which was also filmed by Mr. Burrows:-

<https://www.youtube.com/watch?v=22n-9m7RPs> (see **Video 6** at **Exhibit 9**)

2. Mr. Nygard’s public relations spokesperson, *Phillipa “Lady” Russell* orchestrated a similar protest to the Hate Rallies against Bacon on the 7th June, 2013 (“**the Labour Day Rally**”). During the Labour Day Rally, demonstrators carried similar banners bearing identical offensive language to that carried by protesters at the Hate Rallies.

For instance, the placard carried by the group included the following statements:-

“Bacon KKK”

“Bacon is a Racist”

“Go home Bacon”

“Bacon is a liar”

Some of the placards also contained an image of a hooded Klu Klux Klan.

The following link below contains a video entitled **“Philippa “Lady” Russell at the first Sir Randol Fawkes Labor Day Parade”** which evidence the Labour Day Protest:-

<https://www.youtube.com/watch?v=Eyis8HBgp-c> (see **Video 7** at **Exhibit 9**)

3. Mr. Taureano Johnson participated in the protest against FOIA Event. See the witness statements of Joseph Darville and Francisco Nunez attached hereto at **Exhibits 5**.
4. The blog, Bahamas National publicized a video of the New Year’s Day Junkanoo Hate Rally at **Video 4** and on its website <http://www.bahamasnational.com/?q=node/4110> with the following comments (attached hereto at **Exhibit 7**):-

“BANISH BACON” This was the cry of a group of angry Bahamians during the 2015 New Year's Day Junkanoo Parade in downtown Nassau. During the demonstration the group carried placards calling on government officials to have the billionaire hedge fund manager permanently removed from The Bahamas.

The group alleged that Bacon is a racist who seeks to take international credit for the fight to save Clifton Bay for development.

Thousands of Bahamians, visitors and Government dignitaries lined Bays Street for the annual cultural parade that has deep African roots” (sic).

The above was posted in the ‘News & Politics’ category. It was also posted on their Google + profile.

Mr. Sherman Brown is believed to be responsible for the Bahamas National website.

5. Mr. Thomas Chea participated in the 14th July Protest and gave an interview to ZNS in respect of his support for Mr. Nygard (see **Video 2**, **Exhibit 1.4** and **Exhibit 1.10**).

The repulsive accusations demonstrated at the Hate Rallies are now well publicized and have been the topic of various Tribune articles and social media discussions.

The following articles in relation to the Hate Rallies have been publicized in the Tribune and are attached hereto at **Exhibit 8:-**

1. *Article dated 27th January, 2015 entitled “Alarm over protest: New Years Day spectacle highlight urgent need for hate speech law.*
2. *Article dated 8th January, 2015 entitled “Government investigates marchers in KKK hood.*
3. *Article dated 15th January, 2015 entitled “Junkanoo Corporation to Investigate Group in KKK Hood.*
4. *Article dated 6th January, 2015 entitled “Readers respond over VAT & KKK Hood at Junkanoo.*
5. *Article dated 8th December, 2014 entitled ‘Plea for Police Protection after Mob’ Interrupts Protest’.*
6. *Article dated 16th July, 2014 entitled “Moss claim people were paid to join Nygard support march”.*
7. *Letter to the Editor dated 16th July, 2014 entitled “Shame on pro-Ny gard protesters’.*

CALLENDERS

Counsel & Attorneys

Such popularity is compounding the harm suffered by our clients and further increasing their fear and anxiety of being the target of racially motivated violence.

The Hate Rallies are growing in their aggression and number of targets. We are concerned that this trend shall continue unless the perpetrators are identified and action taken against them. A message also needs to be sent, in our view, that this kind of xenophobic, hate speech and intimidating conduct are not acceptable in a democracy like ours.

In the circumstance, we request that you undertake a full investigation into the events described herein.

We also request an urgent meeting with you to discuss how our clients can be protected from further threats and intimidation.

We look forward to hearing from you soonest.

Yours sincerely,
CALLENDERS & CO.



(for) Frederick R. M. Smith, QC

1.1



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BahamaNews Ma Bey
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Bahamians turn against their own for the mighty dollar.

Nygard hires 6000 Bahamians to march the streets of Bay Street to say they support Nygard and call C.B Moss and Frank Smith devils!!

OH WOW!!

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6 of 147

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6 mins · Like

Bahamian Pharaoh Faagaak tourism we need to get away from dat n really become independent yall aint learn from ds last recession yet smth.
6 mins · Like

MyzzExotic Jewel And the ppl who participated wasn't even decent ppl!
5 mins · Like

Mirrah Soymour Bahamians should be tired selling their asses for peanuts and very short term gratification
5 mins · Ebbid · Like

Kendora Lightbourn Stop talking for anything and actually do your research. Talking for \$25 could potentially run this country. But uninformed selfish people will sadly be the downfall of this beautiful country and all for \$25 dollars. Wow! We have people who aren't even Bahamians such as

Write a comment.



X



Semper Fidelis

July 15 · Edited

PLEASE READ:

Today's Protest struck a nerve with many including the Names that was Slandered.

Many i would agree only showed support based on the fact that they were payed \$25.00 to appear and walk to bay street onto Rawson Square.

While i had my fine ass at my office, i received a call and my service was needed to take photos of the event.

Now i can't tell you i fully understand what the protest was about other than hearing about This one being a thief and this one doing some other shit.

What wasn't a surprise to me was the fact that i was sweating like a fn slave and knew when everyone get on Rawson Square they would have folded up and scatter as they did.

While many say others would sell their birth right, there are many who make noise behind closed doors and when they get on bay they become Pussies.

Anyways i was Fn paid for my Services and No you Shit heads not \$25.00 but \$250.00 for an hour of taking photos.

90% of those people who was there are not employed, have bills and have families to support and honestly there isn't anyone who is giving them anything. So they sell out for \$25.00...Were you going to feed them, pay their bills etc...NO YOU WOULDN'T!!!

They could careless about some Cay unless it was a Cay of Coke Cole.

If my Services is needed to take photos of an Ass jumping off the bridge i am there but pay me before you become fish or pavement food.

Lyford Cay, Bacon, Nygard, CB Moss etc. Its none of my Business but just Business.

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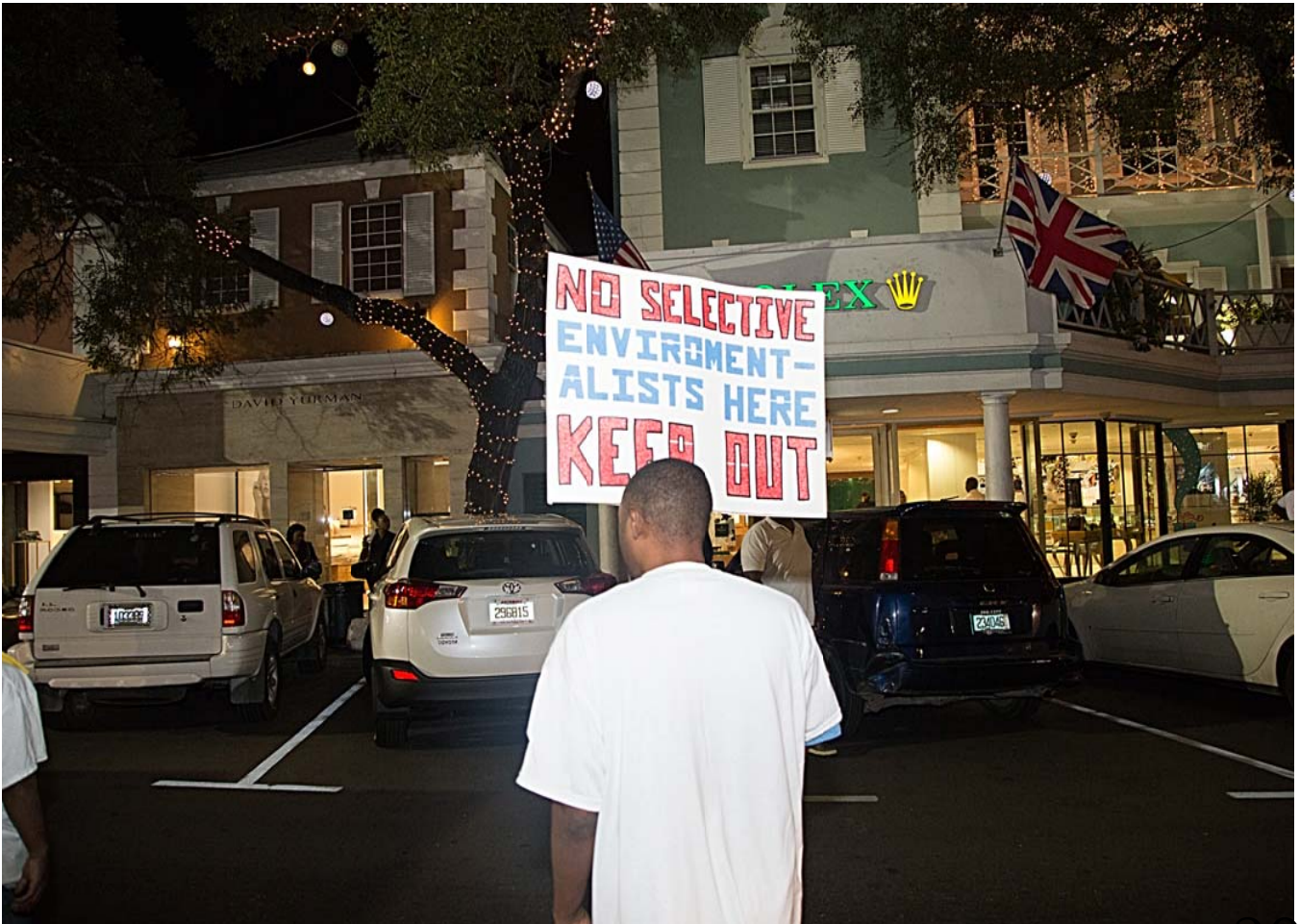
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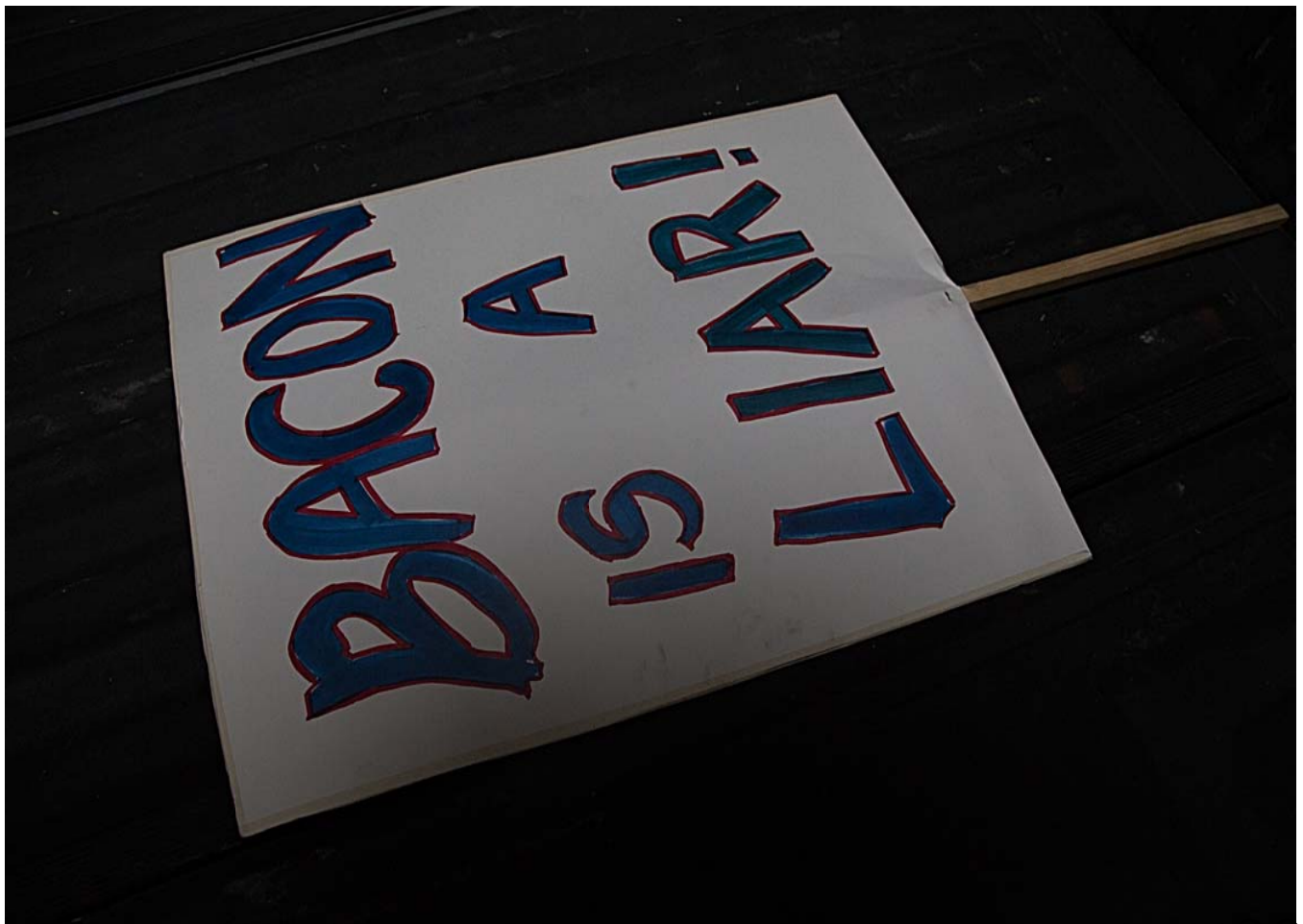
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EXHIBIT 5

**Witness Statements of Joseph Darville, Diane Phillips,
Romould Ferreira and Francisco Nunez**

Statement

By

Joseph Darville, Save the Bays Director

To

Commissioner of Police

**Complaint against obstructers of Save the
Bays Freedom of Information Act Block Party**

December 6, 2014

On Friday, December 6, 2014 at approximately 5:40 PM, during the preparation of Save the Bays Freedom of Information Act Block Party on Charlotte Street ("**STB's Event**"), Mr. Romi Ferreira, one of our Directors, approached me and reported that a flatbed truck with a group of individuals, mostly young men, bearing an assortment of musical instruments, amplified by a very powerful speaker system were parked almost directly opposite his office on East Street, just north of the Central Police Station.

He further indicated that they were armed with various paraphernalia, including placards, which bore the images of Louis Bacon, Fred Smith, Diane Phillips and myself, Joseph Darville.

Romi indicated that he and Paco Nunez, a reporter for Save the Bays, were returning to the area to capture some photographs of the flatbed truck and persons aboard it.

Later that evening, Romi and Paco returned to me and confirmed that they had captured photographs of the young men. About, one hour later, just before we were about to begin our program of speakers and entertainment, I heard and noticed this same flatbed that was described to me earlier moving slowly east on Bay Street, approaching the north entrance to Charlotte Street. As it neared STB's Event, it slowed to almost a complete stop, blaring extremely loud music. Simultaneously, a group of young men jumped off the flatbed, bearing placards and musical instruments playing and proceeded to move rather aggressively in a southerly direction toward our gathering of persons attending STB's Event.

Fearing that their intention was to disrupt the event, and possibly in a violent manner, I, along with Paco and Michael, approached the group of about ten to fifteen young men, seemingly led by one older gentleman. As I got nearer to them, I noticed that they were carrying various placards with the same images reported to me earlier by Romi. The placard contained degrading and racist statements that included "Bacon *is a liar*", "*Go home Louis Bacon*" "Who is Diane Phillips" and "Bacon is KKK". There was also a placard with a picture of Fred Smith, Diane Phillips and myself that said "Expatriate or Bahamian".

I greeted them, and they reacted as if they did not know who I was in the least. I took one of the placards from the demonstrators and pointed to each individual colorfully printed on the cardboard, and asked the individuals if they knew any of the persons printed thereon. They all admitted that they knew none of the persons. Consequently, I pointed to my own picture posted on the placards, asked what evil had I done, other than to work on behalf of my people to defend their rights. I thereafter indicated to them that the other persons whose images they bore were my colleagues and persons who dedicated their lives to the wellbeing of our beloved Bahamian people.

The older gentleman, who was obviously the leader, responded and indicated that he was from Grand Bahama, knew me well and had nothing against me. However, he pointed to Paco, and stated "*his kind should be out of this country*". At this point Paco and Michael Pintard joined in the conversation with the young men, and very quickly, we had established a very cordial relationship with them.

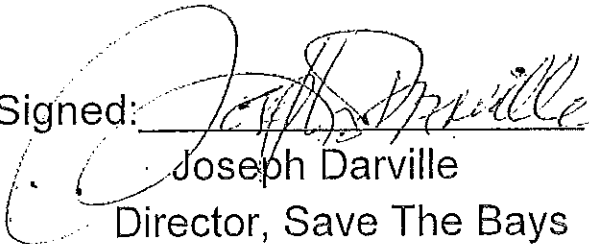
The conversation became very engaging, particularly with a very outstanding young man, who introduced himself to us as a professional boxer, who I now believe to be Taureano Johnson. The young man told us that he had a boxing match later that same evening. He also admitted to us that the costs of his trainings had been supported funded by Mr. Peter Nygard. He asked us what it was that we had against Mr. Nygard. I told him very simply that "he operated outside the laws of our country by

disregarding the proper procedures for permits to carry out a multitude of constructions at Simms Point” (renamed by him as Nygard Cay). During this exchange he indicated that he was only at STB’s Event on the behest of Mr. Peter Nygard.

While this episode was going on, a group of police officers, led by a superintendent, approached us from the north entrance of Charlotte Street. At this time, I was still holding the placard which I had requested to hold from one of the demonstrators. The superintendent walked straight up to me and asked what was my business carrying the placard. Before I had a chance to answer, Paco stepped in and informed the officer that I was with Save the Bays and had simply asked one of the demonstrators to hold the placard for information purposes. At that point the superintendent spoke very forcefully to the demonstrators, ordering them to disband and informed that if they didn’t he would arrest them all. The same older gentleman responded to the superintendent and stated that a general invitation had gone out from Save the Bays to the public, and that was why they were there. The superintendent told him that they were demonstrating against the event, and as such should have a permit to do so. He then asked for this permit, and the older man confirmed that they had none.

By this time, a number of the young men had already shed their t-shirts bearing the image of Louis Bacon, as well as resting down or even hiding their musical instruments. Thereafter, all of them disappeared north on Charlotte Street with the officers behind them. After that, neither they, nor the flatbed truck reappeared

and we continued without interruption our program to a successful conclusion.

Signed: 
Joseph Darville
Director, Save The Bays

Statement

By

Diane Philips, Save the Bays Director

to

Complaint against obstructers of Freedom
of Information Act Street Party

February 20, 2015

The following report is based on firsthand knowledge following events that I personally witnessed and experienced,. However, I learned through a very reliable source that the repercussions could extend far beyond what occurred and there were other plans in store, far more frightening than what was seen.

On Friday, December 5, 2014, Save The Bays along with community partners and corporate sponsors, planned a block party in support of transparency in government, or a Freedom of Information Act. It was the second such call to action by the peaceful group known mostly for furthering protection of the environment, the first having been held in March in Rawson Square with participants who included the Leader of the Opposition, the Leader of the DNA, the chairman of the Bahamas Chamber of Commerce, Citizens for a Better Bahamas, the Trade Union Congress and many religious leaders. I include this information only to demonstrate that the event set for Friday, December 5 had broad-based support in principle and in no way could be interpreted as an invitation to civil disorder or trouble. In fact, among those who had said they were participating were Dr. Ranford Patterson, President of the Bahamas Christian Council; Rev. CB Moss, Bishop Walter Hanchell and others representing various churches or religious affiliations.

No one could have guessed that it would turn out to be a catalyst for someone with a personal agenda who wanted to use it to disrupt the peace and cause threat in order to make the event appear to fail.

Just before 5:00pm, I parked in a spot off Shirley Street and walked toward Charlotte Street which was supposed to have been blocked off at 3:00pm for the band to set up, but in fact was not closed until 4:00pm, causing everything to run behind schedule. So when I saw Paco Nunez and Romi Ferreira walking in the opposite direction, heading east, I walked through the Royal Victoria parking lot with them, heading toward a loud sound something like Junkanoo but not really fully rehearsed, mostly a lot of noise. As we came out of the lot and faced the Post Office building on East Hill Street, we clearly saw the source of the noise, a large flatbed truck with a bunch of guys, most in white t-shirts playing a variety of drums, etc. The side of the cab of the truck said Mustard Seed Trucking.

It wasn't the sound that was shocking or the fact that the truck was parked clearly across the bus parking lot. It was the signs, hate signs, evil signs, large plywood placards, all carefully done professionally with just enough casual to give them a bit of amateur feeling as if they reflected the feelings of the people. One of the cards bore the words "*Louis Bacon with KKK*", a reference to a supposed connection to a relative long ago and used to stir anger. Another poster insulted Fred Smith QC and, another had my picture with the words "Who is Diane Phillips?" All spelled correctly, one n in Diane, two lls in Phillips, which never happens so it was obvious that the person who organized all this knew me well and I had a pretty good idea who that was. Everything about the set-up, the truck, the speakers, the men who smelled of alcohol, the signs spoke to an organized attempt to stir, incite or inflame anger. I immediately suspected that the men, some on the truck, some now climbing or jumping down, had no idea what it was really all about. So I pointed to one of the signs with my picture and said to two of the men standing together, 'Hey, that's me. Anyone want

a picture?" The one guy said to a few gathered, "*Hey mon, get ya phones. Take my picture with the lady. C'mon, c'mon.*"

The large placard with my photo singularly placed was right next to the KKK placard. I asked if any of the few men standing right by the placard with my picture on it wanted to take a picture or a selfie with me and some of them agreed. I did so just to prove to myself that they had no idea why they were there. One guy is holding my hand, another standing close by, for the picture. I wasn't any more a racist to them than I am in real life. They were hired hands who did not know what they were protesting or what cause they were supposedly representing.

Later they tried to barge onto Charlotte Street from Shirley Street despite the fact that the street was blocked off, closed to traffic and there were numerous people, tables, a drinks stand and a stage in the middle of the street. They jumped off the truck and moved the orange cone that symbolized the road was closed and they tried to get that big truck through. The police turned them around but it was pretty scary.

There were also children in the street, including Ta-Da's nieces. The truck was huge, the men were drinking and it was intimidating. When they were turned around from that end, they tried to enter from the Bay Street side. By this time, several had gotten off the truck and were marching up the street with their hate signs. Police came and were very helpful, but it took nine of them, I believe, to finally clear the men away. I believe at least two of the men dropped their signs. I don't think anyone doubted that they were there because of Peter Nygard whether hired directly or indirectly.

Meantime, two gentlemen in black jackets appeared at the event. I spoke with them and one was named Johnson. They were told to come, they said by Nygard. They were on his boxing team and were due to fight later that same evening. I did not hear every word as I was a few feet away but I saw them confront retired principal Joseph Darville, a Save The Bays director, and I saw a pointed finger. I stood behind Joe

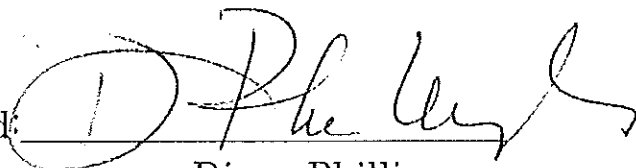
and heard him tell them firmly that he was a Bahamian and had every right to be where he was and they would never scare him from what he believed in.

All of this might have been just another rude attempt at civil disorder and I would have gotten over it taking it for the unfortunate pathetic immature thing it was except for one thing – I later was informed by a very reliable source whose name I cannot reveal, but who once worked on the Nygard property, that he overheard the man himself say he was going to “smash Diane Phillips.” Still shaking from the events of the past two hours, seeing my photo singled out, the largest reproduction I have ever seen, I realized this could be serious. I hardly slept for two days, worried about security, and have not been myself since. I want this report to be kept as an official record in case anything unwarranted happens to me.

Please note that the Save The Bays event was properly permitted; the truck and the interference and the men with drums and placards and alcohol-fired up energy were not.

It is often said that you can never kill an idea. I am repeating that to myself a lot to maintain strength to continue the important fight for good governance, safety on our streets and a protected environment. When good, solid citizens are threatened, who is safe?

Signed:

A handwritten signature in cursive script, appearing to read "Diane Phillips". The signature is written in dark ink and is positioned above a horizontal line.

Diane Phillips

Witness Statement of Romauld Ferreira

In Relation To Events Which Occurred Prior and During the Freedom of Information Act, Street Party 5th December 2014

December 5, 2014

On 5th December 2014 at about 5:30pm I left my office with the purpose of attending the Save The Bays, Freedom of Information Act, Street Party (FOIA – Street Party) on Charlotte Street. Upon exiting my office I noticed a flatbed truck camped opposite my office in the parking lot of Main Post Office building, immediately north of the headquarters of the Royal Bahamas Police Force. There were approximately 20 young men on or near the truck. The men were drinking alcoholic beverages and smoking. On the bed of the truck was a sound system with very large, concert sized speakers powered by a small generator. A man was on the microphone speaking essentially about crime using very colourful language. In particular I remember him saying in a faux Jamaican accent “.....you take life but caan give life, death to all bomberclaat murderers”.

As I crossed the road and got closer to the truck I noticed the men were wearing t-shirts which bore the words “Bacon KKK” along with an image of a hooded Ku Klux Klan figure and a burning cross. I took this as a reference to Louis Bacon. Some of the young men also held banners or placards in their hands, which had messages such as “Who is Diane Phillips?” which also bore her image, along with that of fellow STB directors Joseph Darville and Fred Smith. Other signs referred to Fred Smith as a “*very dangerous man*” and as a “*Haitian infidel*.” I stopped and engaged some of the young men. They thought I was doing an interview for television albeit I never said that to them. They explained to me that “Bacon and dem” were trying to take Jaws Beach away from the black people and they were here to protest and that Bacon was a KKK member who did not like black people. Another told me that he was paid to play his conch shell horn.

I then left and made my way towards the FOIA – Street Party. Upon my arrival at the street party at about 6:00pm I saw Fellow Directors Diane Phillips, Joe Darville and Paco Nunez. I explained to them what I just saw and we agreed to return to the parking lot to get a better understanding of what was going on.

saw and we agreed to return to the parking lot to get a better understanding of what was going on.

As we entered into Victoria gardens parking lot we could hear junkanoo music blaring. Phillips, Nunez and myself then approached the young men and engaged them separately. They repeated the same allegations.

The driver of the truck who had been simultaneously observing us whilst talking on his cell phone, then ordered the men on the back of the truck. As the men climbed on the back and the driver in an attempt to move from the parking lot quickly released the brakes suddenly causing the truck to lunge forward, resulting in some of the young men to losing their balance and falling whilst others jumped off the back of the truck.

I followed the truck on foot as it proceeded east on East Hill Street, north on East Street and west on Shirley Street making its way towards the south entrance of Charlotte Street. Intermittently the truck would stop and young men would jump off and wave their banners at passing traffic and pedestrians whilst shouting anti Louis Bacon and Fred Smith statements. The young men willingly posed for me to take photographs of them doing this on using my cell phone.

When the truck arrived at Charlotte Street, driver of the truck attempted to turn north onto Charlotte Street but could not as cones and a barricade had been placed across the street to prevent cars traffic from entering Charlotte Street from the south. The driver of the truck stopped and made a cell phone call. After he was finished talking on the cell phone, he instructed a young man to move the barricades, which he did. The truck then turned onto the Charlotte Street. At this time I noticed a man known to me as Mr. Burrows, exiting the passenger side of the truck whilst videotaping the on goings.

The men appeared more intoxicated and excitable. I became concerned that the driver of the truck would careen down Charlotte Street in an attempt to intimidate the organisers and the attendees of the FOIA - Street Party. I immediately jumped in front of the truck and began banging on the hood. I demanded that the driver stop the truck and asked repeatedly if they came there to knock me down or knock people down. This went on for about 10 minutes.

Eventually, Assistant Superintendent Neely came along side me and demanded they move the truck. Thereafter the truck reversed onto to Shirley Street and made its way west. I then rejoined my fellow Directors at the FOIA - Street Party. I explained to them what just happened and that I saw the flatbed truck heading west on Shirley Street towards the Central Bank of The Bahamas. I remained at the FOIA - Street Party until 6:45pm thereafter I left to go to another function.



Romauld Ferreira

Witness Statement of Francisco Nunez

**Incident that occurred during Save The Bay's
"Freedom of Information Act Street Party**

December 5, 2014

As we were setting up for the Save The Bays'- Freedom of Information Street Party on Charlotte Street, at around 4.30pm, Keod Smith, who I know to be an attorney for Peter Nygard, approached from Shirley Street on his way to Bay Street and stopped to speak with myself, Save The Bays (STB) director Sam Duncombe and her husband Tony Duncombe. Smith said he was heading to court on a private matter, and after exchanging pleasantries, he walked on.

At around 6:00 pm, just as the street party was getting underway, STB director Romi Ferreira arrived and told me that a flatbed truck with a group of men on it had camped outside his office on East Street, from where he had just walked. He said the men were wearing shirts bearing aggressive messages and carrying banners that singled out STB directors. Ferreira said he believed the group had plans to descend on our event, as this is not the first time STB has been targeted by this kind of aggressive and inflammatory protest.

I agreed to accompany him to get a better understanding of what was going on. As we made our way down Shirley Street towards East Street, we encountered another STB director, Diane Phillips. We explained where we were going and Phillips said she would join us.

As we headed up Parliament Street South, we could already hear loud Junkanoo music blaring ahead. As we made our way through the Victoria Gardens parking lot, the flatbed truck came into view. It was mounted with large, industrial speakers, a sound system and was surrounded by about 20 men holding banners. Some of them stood atop the flatbed, among the speakers and sound equipment.

The gathering was taking place in the parking lot on the corner of East Street and East Hill Street, situated between the eastern side of the main post office and the northern boundary of Police Headquarters. As Ferreira had indicated, this was directly across from his office and in my opinion an obvious attempt to intimidate an STB director. Ferreira said similar demonstrations had taken place there in the past.

Ferreira, Phillips and myself crossed East Hill Street and engaged with the group of men. They seemed happy to allow us to take photos of their t-shirts, which bore the words "Bacon KKK" along with an image of a hooded Ku Klux Klan figure and a burning cross. I took this as a reference too often repeated and entirely false allegation by associates of Peter Nygard that Louis Bacon is the descendent of a member of the Klan.

The men were not hostile to us, but when asked to explain the purpose of their protest and the messages on their shirts and banners, expressed total ignorance. They certainly did not seem to harbor the concerns reflected in the messages; one posed with Diane Phillips while holding a sign that said "Who is Diane Phillips?" which bore her image, along with that of fellow STB directors Joseph Darville and Fred Smith. Other signs referred to Fred Smith as a "very dangerous man" and as a "Haitian infidel." It is my opinion these men had nothing whatsoever to do with the construction of the signs they carried that day.

After being called, I believe by the driver, the men all climbed onto the flatbed before the truck headed down East Street towards Shirley Street. There was a minor incident as the vehicle sought to exit the parking lot, when the driver had to break somewhat suddenly and several of the men fell over. Some jumped off the flatbed to avoid toppling off. Several gave the impression of being at least slightly intoxicated.

Diane Phillips and I headed back to the event by the route we came, while Ferreira followed the truck, continuing to take pictures.

Earlier in the day, with the permission of police, the staff at Van Breugels, a co-host of the event, had blocked off the south end of Charlotte Street with traffic cones, and our event made it impossible for vehicles to traverse the street. The street was officially closed.

About half an hour after I returned to the event I spoke with Ferreira, who told me that the truck had headed west on Shirley Street, and that the men were in the process of removing the police sanctioned barriers. I looked in that direction and saw the vehicle heading down Charlotte Street towards us, surrounded by the men, whose level of excitement and agitation seemed to be greatly heightened compared with our earlier encounter. Although I was too far away to discern what they were shouting, their tone of voice was strident and in some cases aggressive.

I considered their actions to be an unwarranted provocation in the midst of a peaceful event open to the public. Their decision to force their way down a closed street, coupled with the hostile messages on their signs and shirts, made me concerned for the safety of our attendees. I therefore turned to Assistant Superintendent Kenrid Neely, who happened to be nearby, and explained that a group of men who appeared intent on protesting our event had breached the barrier and were headed in our direction.

Assistant Superintendent Neely agreed that this was a security risk, and called for backup. He and another officer headed up towards the southern entrance of Charlotte Street. I followed at a distance and saw him remonstrating with the protesters, although I did not hear what he said.

Soon after, the men began to retreat and the flatbed truck reversed out of the street. The police barrier was reestablished.

Assistant Superintendent Neely then told me that he felt more police action may be required, as the men had no license to hold a demonstration. He said that he believed they would come around to the Bay Street side of the closed street, and attempt to approach again; a suspicion which turned out to be accurate. Neely said he would station two cars on the Bay Street side, as he "may want to arrest" some of the men. He did not say whether this was as a result of their behavior, words, or because they were already known to police, as has been the case in other similar protests which I have witnessed, where the crowd appears to have been hired.

At about 7:00pm, the protesters returned on foot, this time walking from Bay Street on the northern end of Charlotte Street. When they came close to the booths erected for the event, STB director Joseph Darville approached them, telling the young men that they had been misled. Pointing to his own face on one of their banners which questioned his nationality, Darville told them they could not possibly know what STB stands for if they were willing to protest against it. Several of the men grudgingly acknowledged that they did not know the purpose of their protest. Many dropped their signs and began to retreat.

A team of police officers escorted several who were more insistent from the area. In particular, one tall man wearing a white collared shirt, who claimed he was from Grand Bahama, continued to insist that as the meeting was open to the public, they had a right to enter with their banners. The police explained that they were engaged in a protest for which they had no permit and that their presence had an intimidating effect on attendees who came in good will.

The man was eventually persuaded to leave with the threat of incarceration.

At that point, I noticed a group of very young protesters, ages approximately 13-16, who had been left behind by their adult fellows in the confusion. They were standing in the alcove at the entrance of Coin of the Realm. The boys were all carrying large horns and tubas, and appeared to be part of a Junkanoo troop of some sort.

As they did not seem hostile, but rather bewildered, I approached and explained that police had removed the other protesters, and offered to walk them out of Charlotte Street so they wouldn't encounter any trouble from officers, who might not realize the boys had been left behind and might assume they had disobeyed the initial order to leave the street. The boys were easily identifiable, as they were also wearing "*Bacon KKK*" with burning crosses.

As we walked, I asked the boys how they came to be involved in the protest. As they all declined to answer, I advised them in a friendly tone that they shouldn't allow anyone to use them in such a manner. They still said nothing, but as we approached Bay Street, one turned to the others and said "Oh well, we still getting paid!" before they all ran off.

When I returned to the alcove at the entrance of Coin of the Realm, I saw Joseph Darville conversing with two men in matching jumpsuits bearing some sort of sports or team emblem. Joseph introduced me to Taureano Johnson, whom he said was a noted boxer. The other man appeared to be his trainer.

Darville asked if it was true that Johnson had a fight that night, and the young man confirmed. When asked what he was doing there so soon before a fight, Johnson admitted he had been asked to be there with the protesters, but that having now listened to what Darville had to say, he didn't think he could oppose what STB stands for. Darville told Taureano Johnson that he believed that he was sponsored by Peter Nygard. Mr. Johnson did not deny this suggestion.

Signed: _____

Francisco "Paco" Nunez

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6.4

KKK style protest at Junkanoo parade a 'national disgrace' says Smith

GRAND Bahama Human Rights Association President Fred Smith has called on the government to pass a Human Rights Act and make it an offence to "abuse people hatefully in public".

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Thompson, Meredith Munnings and 2 others like this.

Judy Reiach Embarrassing! Should not have been allowed. Even based on lack of Fringet!!!!
Like · Reply · Yesterday at 12:07pm

Lanelle Phillips Disgraceful
Like · Reply · Yesterday at 12:20pm

Ryan A. Nabble I would not be surprised if Peter Nygard is sponsoring this group. I remind ll of the pro Nygard March that was held a few months back. They had the same signs calling Mr Bacon a KKK member. Think back!
Like · Reply · Yesterday at 12:44pm

Simon Frank what the fuck is a Haitian infidel
22 hrs · Like · 2

Étienne Christen Definitely not worse, whatever it is, than Bahamian idiot wearing a KKK outfit. These people in the pride and no shame. Bahamians should be embarrassed t since Fred Smith is an ACTUAL Bahamian - a QC no l... S
22 hrs · Edited · Like · 3

McKenzie Van Hagen KKK outfits, excuse my educated n the fuck.
19 hrs · Like · 2

Ashley Saint Louis Wow I have nothing to say.....SMH
Like · Reply · 2 · January 2 at 3:07pm

Swaggartific nBlESsed The level of stupidity some times amazes me...how were they allowed on Bay with that!!
Like · Reply · 2 · January 2 at 3:34pm

Christopher Mosko I do not feel safe anymore seeing this cause these types of mobs can take this another step and start profiling whites. Also, wait till companies owned by local or even foreign whites that reside in Nassau start pulling the plug on their business to take them to other countries, these same assholes will be the first to cry, just wait and see what this causes.
Like · Reply · 12 · January 2 at 4:28pm

C.a. Newry Christopher Mosko, I stop feeling safe when the first murderer in the Bahamas got bail...I aint ga remind you who 'that was though.
Like · 1 · Yesterday at 12:22pm

Zoesepp Zoesepp I am shocked at this level of ignorance in this country!!!!
Like · Reply · 5 · January 2 at 5:15pm

Human Rights Bahamas Follow us on Twitter - @HumanRightsBAH
Like · Reply · Commented on by Paco Nunez [?] · January 2 at 6:41pm

Christopher Mosko I can say without a doubt that my family who has supported Junkanoo groups for years by means of their companies, will have to take a real close look at this and may have to reconsider not doing any sort of contributions if the other Junkanoo groups do not stand up and do the rite thing and say something against that particular group. Who in this country will address this and make some sort of apology.
Like · Reply · 3 · January 2 at 6:50pm

Raymond Oenbring SAY WHA?
January 2 at 7:39pm · Like · 1

Justin Knowles Social prostitution. Selling their opinions, integrity, and dignity.
Yesterday at 11:43am · Like

Dion Farquharson We as Bahamians need to do better.....right now these ppl don't know what they were doing.....they were just sheep following someone else issue....all for the mighty dollar...."We" need to do / think better of ourselves.
1 hr · Edited · Like

Moya Da Millionaire Moviemaker It was very much a wonder how much the got paid to make bunnghies out of
19 hrs · Like · 1

JC Blaze Disgrace is correct.
19 hrs · Like

Ryan Carroll Pass a law? This had the PLP seal of app
19 hrs · Like

Screen Shot 2015-01-04 at 1.40
View Zoom Share Mark

Bernadette Marcelus-Johnson Sorry, have to ask did it Wow, black people dressed up as the klan. A truly shame come to???

Muriel Lightbourn the saddest part of ALL this is those (frightening) not rebellious kids, GROWN 'MEN'
Like · Reply · 20 hours ago

Adam Darville What a disgrace, we are finished as a co Government going to do about this? nothing!!
Like · Reply · 17 hours ago

Like · Comment · Share

Donna Thompson Munnings likes this.

View 3 more comments

Charma Tucker Couldn't have! This was sheer idiocy, barred from Bay!
15 hrs · Like · 1

Mark Palmer You can't rush without approval right?
14 hrs · Like · 1

Key Man.....
10:11am · Like

No, this is the selling out of our national event. It should be government approved but money talks in this country. Letting a group of people go for a personal vendetta shows just how far some people will go to sell out this country for a few dollars. The Fred Smith is an illegal Haitian could be slightly modified to allow it are Bahamian themselves.
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6.5

not have allowed that to happen. The fact that they would continue means that they condoned it and in fact supported it. Are they sending to the rest of... See More



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...a disgrace, we are finished as a country. What is the do about this? nothing!!

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lock stock and barrel „they could have had a float w/ ds being blown apart w/ fake blood etc and it would of been OK „What ne generators at BEC to Nygard and his desire for embryonic stems io easily bought ...

Posted by Paco Nunez 191 · January 2

Racism, hatred, intimidation, xenophobia on display at our premier cultural event – with the tacit approval of the powers that be.



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MrGenuinely Articulate I must say this is and was a first for Junkanooer. Whatever they were protesting if it was of serious concern demonstrated on Bay in another light. We as Bahamians should be careful on playing the race card because of the severity on sustained over the years. I mean seriously they're are politicians and if the people are appalled by a decision mad petitions and consult higher privy courts. I'm not sure as of belief stands for fighting fair not dirty. Like · Reply · 1 · Yesterday at 11:11am

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"Banish Bacon" (Video)



'BANISH BACON' This was the cry of a group of angry Bahamians who rushed down Bay Street during the 2015 New Year's Day Junkanoo Parade in downtown Nassau.

During the demonstration the group carried placards calling on government officials to have the billionaire hedge fund manager permanently removed from The Bahamas.

The group alleged that Bacon is a racist who seeks to take international credit for the fight to save Clifton Bay for development.

Thousands of Bahamians, visitors and Government dignitaries lined Bays Street for the annual cultural parade that has deep African roots.

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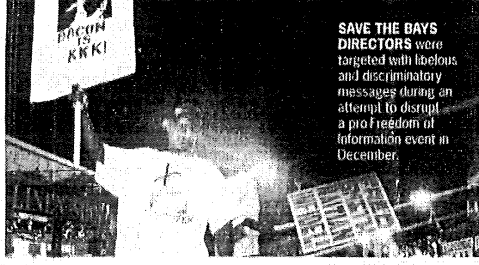
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ALARM OVER KKK PROTEST

New Years Day spectacle highlights urgent need for hate speech laws

XENOPHOBIC MESSAGES and Ku Klux Klan symbolism on display at this year's Junkanoo parade, the centerpiece of Bahamian cultural life.



SAVE THE BAYS DIRECTORS were targeted with libelous and discriminatory messages during an attempt to disrupt a pro freedom of information event in December.

By SAVE THE BAYS

The historic, kind and meaningful demonstration which was allowed to poison our national cultural centerpiece, Junkanoo, on New Year's Day signals the rise of a shameful and dangerous tendency within our national public dialogue.

The hostile and xenophobic messages on display at this traditional family event, well attended by visitors from abroad, targeted Save The Bays (STB) chairman Fred Smith, QC, and renowned international businessman and conservative Louis Bacon. Banners read: "Bacon is KKK" beneath an image of a burning cross, "Join the coalition to banish Bacon", "Fred Smith, Haitian infidel", and "Is Fred Smith a Bahamian or an illegal Haitian?"



THE "PRO-NYGARD" march in July 2014. Men wearing "Save Nygard Cay" t-shirts attacked Rev. Dr. CB Moss, Fred Smith and Louis Bacon, calling them, among other things, terrorists.

STB Director, a universally respected veteran educator, who served as principal of a Catholic High School in Grand Bahama for 20 years. Newly appointed STB director Diane Phillips was also singled out by the group of aggressive male protesters, an experience that left her in fear for her safety, but undaunted.

A self-styled "Pro-Nygard" march through Downtown Nassau in July 2014 attacked Mr. Bacon, Fred Smith and Rev. Dr. CB Moss, an esteemed and influential member of the local clergy, as well as a former P.P. Senator. Clearly the group

Every individual in The Bahamas deserves the right to live their life without the specter of fear and intimidation hanging over their heads."

Directors and perpetrators of these reprehensible displays have no respect for any individual or institution.

environmentally sustainable Bahamas.

These repeated attempts to demonize and strike fear into the hearts of individuals - and particularly those advocating for greater individual rights, government transparency and respect for the rule of law - point to a desire to silence free speech, incite hatred and bring an end to socially constructive community activism in The Bahamas.

On a separate but equally concerning note is the evidence of the imbalance, financial or otherwise, of persons of Afri-

"These repeated attempts to demonize and strike fear point to a desire to silence free speech, incite hatred and bring to an end socially constructive community activism in The Bahamas."

can descent to don the costume of oppression - the symbols and vestments of the abominable Ku Klux Klan. During the December 5 demonstration, several protesters admitted they had no idea who they were protesting against or what the messages or symbols on display referred to.

Clearly, there is an attempt afoot to undermine and pollute the identity of Bahamians as a free and independent people who so proudly - and to our eternal credit, peacefully - shook off the shackles of op-



PROTESTERS who sought to disrupt the FOIA event target Fred Smith, Louis Bacon and new STB director Diane Phillips, who was in fear for her safety but remained undeterred.



MANY INVOLVED in the December protest could not explain the meaning of the words and symbols on display.

praganda for war and any advocacy of national, racial, or religious hatred that constitutes incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered offenses punishable by law."

The vast majority of developed countries and several in the developing world have already passed some form of ban on hate speech.

In Bahalim, acts motivate by racism or xenophobia are prohibited; in Canada, inciting hatred against any identifiable group is an indictable offense; in Denmark, public statements by which a group is threatened, insulted or degraded are prohibited; in Germany, incitement to popular hatred is a punishable offense; in Iceland, obscene, slander and threatening speech is banned; in Jordan, several laws seek to prevent the dissemination of material that would provoke hatred or strife; Singapore's penal code criminalizes the deliberate promotion of enmity, hatred or ill-will and hate speech was specifically excluded from protection under the South African Constitution. The list goes on and on.

STB calls on the government of The Bahamas to join the ranks of these forward thinking nations and protect all citizens, residents and visitors from intimidation, slander and threatening language or actions.

An Act of Parliament, banning hate speech should form part of a raft of Human Rights Act and similar bills that also include anti-corruption laws, appointment of an Ombudsman, a Freedom of Information Act and enhanced protections for all minority groups in The Bahamas.

"If not dealt with promptly and decisively, this ominous new tendency could threaten this country's efforts to chart a course towards a more decent and tolerant future."

The Bahamas is also a signatory, declares that: "Any pro-

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Founded less than two years ago, Save The Bays began as a grassroots effort to protect ecologically significant areas of The Bahamas from unregulated development. It has grown into a broad-based coalition calling for comprehensive environmental protections, oil spill legislation and greater transparency in government. With more than 17,000 followers on Facebook, STB is the fastest growing, most popular non-profit, non-governmental organization in Bahamian history on social media. The group's petition calling on the government to enact an Environmental Protection Act, a Freedom of Information Act, also unregulated development and end to oil pollution, is climbing in numbers, with around 6,400 signatures so far. To get involved, sign the petition or learn more, visit www.savethebays.bs



The Tribune

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THE PEOPLE'S PAPER Biggest And Best!

THURSDAY, JANUARY 8, 2015

PRICE - \$1

Government investigates marchers in KKK hoods

By NICO SCAVELLA
Tribune Staff Reporter
nscavella@tribunemedia.net

LAST week's controversial protest against Grand Bahama Human Rights Association president Fred Smith and conservationist Louis Bacon is "under investigation" by government officials, Minister of Youth, Sports and Culture Dr Danny Johnson said yesterday.

An anonymous group donned hats similar to those worn by Ku Klux Klan (KKK) members and paraded in protest against Mr Smith and Mr Bacon near the end of the New Year's Day Junkanoo Parade.

A subsequent video of the protest went viral on social media, leading some Bahamian residents to say how "ashamed" they were to be Bahamian.

Two days later, Mr Smith responded to the protest, calling on the government to pass a Human Rights Act and also make it an offence to "abuse people hatefully in public".

Dr Johnson said government officials were reviewing the matter "with the appropriate agencies" to see if "people wearing Ku Klux Klan type uniforms should

have been allowed on that parade."

He also said the protest was in "extremely poor taste" and "is something that (the country) will not see again".

"We will have no tolerance for that kind of hate speech, acts of hatred in this country, and that is why it is under investigation as we speak," he told *The Tribune*.

"It is not endorsed by anyone in this government or any agency of the government, or any cultural entity that we're involved in.

"It's very important for people to look at how far we've come and maybe this (upcoming) week of Majority Rule is a good time to reflect on that and look for the balance that young Bahamians, all like minded Bahamians, all people who love the Bahamas want to see."

During the parade, an unknown group, armed with placards and donning KKK-like hoods, marched in protest against Mr Smith and Mr Bacon. One placard called Mr Smith a "Haitian infidel," while another read: "Is Fred Smith a Bahamian or an illegal Haitian?"

Another person was seen carrying a placard saying "Fred Smith, another foreigner in the conspiracy to

overthrow the PLP."

Another read "Skin Coalition to Banish Bacon." On the other side of that placard, a picture of a burning cross could be seen, with text beneath it reading "Bacon is KKK".

One Facebook user, in response to the video, said: "As a white Bahamian, I am disgusted that this is okay in the eyes of the black population and it is another nail in the coffin for me and my family to leave because it shows no balance and no equality for the white population.

"If the white population ever had to display such a nasty protest, what an uproar we would have. It shows the divide between black and white (people) which shows no respect for the white Bahamians unless black Bahamians stand up to stop foolish and disgusting behaviour which this Junkanoo group displayed. I am ashamed to be Bahamian."

Responding to the protest, Mr Smith called it a "national disgrace" that sends a "clear message of hate, racism, xenophobia and anti-foreign mentality to the world".

He also said he would be making a complaint to Police Commissioner Ellison

Greenslade because he is in "fear for (his) personal safety."

When questioned yesterday on the matter and Mr Smith's subsequent appeals to the government, Mr Johnson said he was "saddened to see someone's protest that could have gone too far".

"I did notice a form of protest that may have crossed the line, would be the best way to say it," he said. "We have that under review now. We are reviewing it with the appropriate agencies, the police also, to see if people wearing KKK type uniforms should have been allowed on that parade. I think it's not the type of thing we want to see in the Bahamas, it is in extremely poor taste and it is something that we will not see again. It will not be tolerated."

During the first week of December 2014, Mr Smith and GBHA vice-president Joseph Darville pleaded for police protection after an FOI rally was disrupted by what they claimed was a "bought and paid-for mob".

The men said they feared for their lives after allegedly being targeted by an aggressive group of young men holding menacing and defamatory banners bearing their names and faces during the rally.

The Tribune

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MONDAY, JANUARY 5, 2015

PRICE - \$1

JUNKANOO CORPORATION TO INVESTIGATE GROUP IN KKK HOODS

By RASHAD ROLLE
Tribune Staff Reporter
rrolle@tribunemedia.net

JUNKANOO Corporation of the Bahamas chairman Silbert Ferguson pledged yesterday to investigate the appearance of an anonymous group donning hats similar to those worn by Klu Klux Klan members in protest against lawyer Fred Smith and billionaire conservationist Louis Bacon during the New Year's Day Junkanoo Parade.

Mr Ferguson said he had no idea the group had appeared on Bay Street until

he was told of the news hours later, adding that the JCNP did not sanction the group's performance and has little authority to ensure that it doesn't happen.

He added that his team will view tapes of the parade and make a decision as to how such future incidents could be prevented.

"People hide their paraphernalia and get in," he said. "Parades are free spirited. People have social messages they could bring on the parade and it's not a problem, but if it's going to be messing with someone then that's a problem and it appears this

group was hidden until they got to Rawson's Square."

He continued: "Everything that happens that has a negative tone, we have to make immediate adjustments to prevent it. When mistakes are made we have to learn from them. I don't want someone to take a social site and do this kind of stuff. If you are talking about AIDS or whether we should have hanging I could live with that, but the kind of social messages people are complaining about are ones we don't need. Louis Bacon ain' do Junkanoo nothing."

Last week, Mr Smith, the head of the Grand Bahama Human Rights Association, called on the government to pass a Human Rights Act and make it an offence "to abuse people hatefully in public."

A video of the "protest" had gone viral on social media.

Last month Mr Smith and Save The Bays director, Joseph Darville, said they feared for their lives after allegedly being targeted by an aggressive group of young men holding menacing and defamatory banners bearing their names and faces during

a "hijacked" rally in support of a Freedom of Information (FOI) Act. Responding to the protest on New Year's Day on Friday, Mr Smith called it a "national disgrace" that sends a "clear message of hate, racism, xenophobia and anti-foreign mentality to the world."

He also said he would be making a complaint to Police Commissioner Ellison Greenslade because he is in "fear for (his) personal safety". "It is shocking that my government, the police, Junkanoo committee, organisers, should have allowed people dressed as members

of the Klu Klux Klan parading down Bay Street, sending a message that white rich foreigners, Haitians and Bahamians like me of Haitian descent are not wanted in the Bahamas," Mr Smith said.

"I think that was a national disgrace, and it was an embarrassment to human rights in the Bahamas. It should never have been allowed by the authorities. I am shocked that the Junkanoo community put that on. It sends a clear message of hate, racism, xenophobia and an anti-foreign mentality to the world."

The Tribune

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TUESDAY, JANUARY 6, 2015

PRICE - \$1

READERS RESPOND OVER VAT AND KKK HOODS AT JUNKANOO

FNM leader Dr Hubert Minnis criticised the government over the implementation of Value Added Tax on Sunday, saying, "This government is again showing no respect for the poor or middle class."

And he said his party is forming a plan to repeal certain categories of value added tax if it wins the next election.

But those commenting on tribune242.com weren't convinced by his remarks.

'Proudloudandfnn' said Dr Minnis should repeal VAT completely: "Not good enough Mr Minnis. You voted no. You must have had a reason to vote no. Repeal it completely and come up with a better plan. . . Here's a hint: We need to get rid of hundreds if not thousands of government jobs. We do not need anymore useless corporations. Dissolve as many as you can. Get rid of Bahama-sair and ZNS and BEC."

'Birdiestrachan' raised doubts that anything would be repealed: "Dr Minnis will repeal nothing. What is his solution to the fiscal problems the Bahamas is facing, besides collect the monies owed? His party could not collect the back taxes during the fifteen years they were in power, so it must not be that easy. Minnis wants to be PM but he has no vision. None at all."

'Lkalik' wanted VAT to be made "smarter": "Repealing VAT is not the answer. Making it 'smarter' is the answer. Switch to the Exclusive price model, which is how Canada handles their VAT. Minnis does himself a disservice with these "from the hip" comments on VAT. He needs a comprehensive plan, not a few shots in the dark. There is much reform that VAT can benefit from, but he needs to sit down with the industry heads and listen to their concerns. To the government's credit, they are trying to do that more and more, but they

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SAY!**

are still not listening on the Exclusive price issue."

'Pat242' criticised Dr Minnis for "playing politics": "It is obvious that Dr Hubert Minnis is playing politics with the Bahamian people. He agrees with VAT and has no intention to decrease or alter anything. This is the same man who spoke out against VAT saying it is going to kill the economy and drive the already poor into poverty. Now if he wins he wants to alter VAT."

• There was a heated response online after an anonymous group donned hats similar to those worn by Klu Klux Klan members and paraded in protest against Fred Smith and conservationist Louis Bacon during the New Year's Day Junkanoo parade.

Mr Smith, who is the Grand Bahama Human Rights Association President, called on the government to pass a Human Rights Act and make it an offence to "abuse people hatefully in public".

But this prompted 'Birdiestrachan' to say: "Is this the same Fred Smith who compared the detention centre to a Nazi concentration camp and ethnic cleansing?"

'Concernedcitizen' responded with: "there is no way the government, police, junkanoo should allow people to march on Bay Street dressed as the Klan - this is a public parade paid for by the treasury not for a political position."

'Alibaba' was deeply offended: "He who knows not his history is bound to repeat it. What a disgrace ... what deep, grave wrong ... KKK IS NOT OK ... a symbol of op-

pression for black people the world over is now used by Bahamians to degrade others. As a black man I am deeply offended ... as a human being I am gravely hurt."

'Stapedius' called for a measured response: "As much as Smith annoys me this is clearly wrong. We need a measured response to things in our country. We can voice our concerns and

opposition to policies or social issues but there needs to be careful what we say. Fred Smith has himself made some outlandish and stupid remarks about the government and he too should practice reservation in speaking wildly before thinking."

• Don't miss your chance to join the debate on tribune242.com.

The Tribune

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MONDAY, DECEMBER 8, 2014

PRICE - \$1

PLEA FOR POLICE PROTECTION AFTER 'MOB' INTERRUPTS PROTEST

TWO directors of Save The Bays, the environmental advocacy group, have asked for police protection after a rally in support of a Freedom of Information Act was disrupted on Friday night in downtown Nassau by what they claim was "a bought and paid-for mob".

Fred Smith and Joseph Darville said last night in a statement that they fear for their lives after allegedly being targeted by aggressive groups of young men holding menacing and defamatory banners bearing their names and faces.

The rally, in Charlotte Street, was held in conjunc-

SEE PAGE 11

from page one

Police to intervene and protect us before someone gets hurt."

According to Mr Darville, a group of men, on a flatbed truck blaring music, arrived carrying banners but were turned away by a senior police officer. However, they returned and the Save the Bays director confronted them.

"I pointed to my own face on their banners, and told them there is no way they could know what we stood for and be there protesting against us," he said. "In the end, these young men admitted they had no idea what it was all about. Many of them dropped their signs, even before police again asked them to leave."

Mr Darville said some

PLEA FOR POLICE PROTECTION AFTER 'MOB' INTERRUPTS PROTEST



SOME of the men who interrupted the Freedom of Information Act block party, waving placards including one saying "Fred Smith Hatian Infidel!"

of the men claimed to have been asked to attend the protest by individuals working for fashion designer Peter Nygard, who has a long-running dispute with his neighbour, Louis Bacon, a Save The Bays supporter for which Mr Smith is the lawyer.

Some wore shirts and others waved placards bearing slogans about Mr Bacon. At one point, star Bahamian boxer Taureano Johnson appeared at the scene.

On Friday night, police confirmed that the men had no permit to protest.

8.6

LOCAL NEWS

Moss claims people were paid to join Nygard support march



ONE of the pictures posted to Facebook of the Nygard support march showing a protestor holding a sign making accusations against CB Moss.

By **KYLE WALKINE**
Tribune Staff Reporter
kwalkine@tribunemedia.net

A PROMINENT environmental campaigner and religious leader has told *The Tribune* that people have confessed to his organisation that they were paid to march in support of Canadian fashion mogul Peter Nygard on Monday.

Rev CB Moss, a representative for the Coalition to Save Clifton Bay, yesterday called the demonstration a "gimmick" and an act of "desperation" that clearly has not convinced anyone other than Mr Nygard that the protestors genuinely support him.

"People are not fooled," Rev Moss said. "It was a gimmick and it has backfired because it has infuriated a large number of residents who feel that it was distasteful for someone looking to do business with the government and the Bahamian people to sink to that low level of trying to influence the Bahamian people".

On Monday, scores of Nygard supporters marched through downtown Nassau in defence of the fashion de-

signer over the criticism he has received from environmentalists and other Lyford Cay residents concerning his controversial development plans at Simms Point/ Nygard Cay. Rev Moss said the majority of the protestors were the same as those who have participated in other controversial marches.

He added that the fashion designer could have got more people to march if he had "spent more money".

"When you see huge crowds at political rallies what do you think brought them there?" he asked.

"Certainly not the message. But it's the food, drinks, entertainment and in some cases the free dollars."

"That is not new. We've been seeing that in political elections and I'm not surprised. We do know that it's sad when persons, particularly non-Bahamians feel that they have to get involved in the business of the Bahamas to the extent that they would do what is alleged to have been done by Mr Nygard. It was also libellous, some of the statements on the placards and t-shirts.

"I think the entire Bahamian society sees it for what it was and doesn't take it seriously."

Mr Nygard's attorney Keod Smith yesterday denied that the supporters were paid to protest. He said that thousands of Bahamians stand in support of Mr Nygard rebuilding his home and wonders who would have paid them.

"Why is it that people in the Bahamas, especially the press, believe that people don't love Mr Nygard and would not spontaneously show their support?" he questioned. "Is it so unbelievable?"

Last week, it was revealed that 103 Lyford Cay residents were suing Mr Nygard, including Baha Mar Chairman Sarkis Izmirlian, retired movie star Sir Sean Connery and television personality Nancy Grace.

Mr Smith said those people have clearly been misguided. "They don't want Mr Nygard to have a beach next to his home and they're saying that he stole land. That's what they're saying and that is not true," he said.

"The sad thing for Mr Nygard is most of the peo-

ple in Lyford Cay just do not like the fact that black people have free access to come to Mr Nygard's home; compared to any other house or any other home.

"I can tell you and I certainly know that there is no environmental issue.

"The people who you should be worried about with

regards to Clifton is Louis Bacon. Louis Bacon is after the land at Clifton and has been. No one can challenge me on that.

"He can't because he knows it's the truth and I have proof on that going back as far as 17 years."

Mr Smith insisted it was not Mr Nygard Bahamians

should be worried about, but Mr Bacon.

Shame on pro-Nygaard protestors

EDITOR, The Tribune,

CB Moss' allegation that the scores of black Bahamians who participated in a march in downtown Nassau on July 14 against him and the environmental lobby group Save The Bays were paid by Peter Nygaard is troubling, but not surprising, in light of the well known fact that many Bahamians have a habit of selling their votes for jobs, T-shirts, money and a chicken snack.

The march is just another chapter in an ongoing battle between Nygaard and Moss over the former's planned development of Nygaard Cay and its potential to cause permanent and devastating harm to the surrounding environment and Clifton Bay.

I am not a fan of either Nygaard or his wealthy Lyford Cay neighbours who have filed lawsuits against his proposed development. I am a poor black Bahamian male who would be promptly stopped in his tracks at the gates of Lyford Cay by the security personnel who are tasked with guarding that upscale community's wealthy residents.

I have no dog in this fight, other than to say that no one should be given carte blanche to destroy the environment, as The Bahamas is the only country the overwhelming majority of Bahamians call home.

If The Bahamas fails, we have no other place to go. On the other hand, Nygaard can

LETTERS

letters@tribunemedia.net

pack up his georgie bundle and head straight for home, which is Canada. If Moss' allegation is accurate, then the protestors should be ashamed of themselves, for allowing themselves to be used.

It is being rumoured on Facebook that the marchers were paid a paltry sum of \$50. Some have said that they were actually given \$25.

Whatever the sum, if true, the protestors have a condescending view of their own country, in that they would sell their birthright for a bowl of monetary porridge.

Even more troubling is the fact that they would openly attack their very own for no plausible reason, other than the fact that their wealthy benefactor was willing to shell out a few dollars for their services. Based on my limited observations of newspaper photos, the protestors seem to be of the lower economic tier, and in all likelihood are residents of Bain and Grants Town and the surrounding shoddy and economically depressed communities.

Most of them have probably never even been inside Lyford Cay and many of them wouldn't be allowed in anyway, other than to work.

Yet they are willing to make complete fools of themselves for a Lyford Cay

billionaire who doesn't even know their names. And people wonder why a certain popular parliamentarian opined that Bahamians are a stupid set of people.

Incidents like the protest only validates his condescending opinion of Bahamians. Most of the protestors won't march for capital punishment, sustainable job creation, a freedom of information act, the clean-up of their dirty communities, the end of gang warfare gripping their neighbourhoods, stiffer penalties for paedophiles and rapists, but they are willing to march in the scorching heat for a rich man's right to potentially destroy an entire beach.

As I write this, I'm shaking my head in utter disbelief and embarrassment of how low some Bahamians would stoop for a couple dollars.

At the end of the day of the march, the people who took part in the protest returned to their humble dwellings, while Nygaard continues to live in the lap of luxury behind the gated and secluded community of Lyford Cay.

While some have questioned Moss' sincerity, no one can deny that he has tried throughout the years to uplift the community of Bain and Grants Town.

No amount of propaganda can change this fact.

KEVIN EVANS

Freeport, Grand Bahama
July 16, 2014

Friday, February 26, 2016

News

Police charge QC with ‘causing harm’

by: Krystal Rolle, NG Staff Reporter

Fred Smith, QC, yesterday revealed that he was charged by police with causing harm to another man and said he is expected to be formally arraigned in a magistrate's court on Friday.

Smith, who was released on his own recognizance, said he had no idea that charges had been filed against him, adding that he was shocked when officers informed him of the accusations yesterday.

Smith was charged at the Cable Beach Police Station shortly before 1 p.m.

The charge stems from an "incident" at Jaws Beach in April, he said.

Smith's alleged victim, whose name is being withheld, claimed in a sworn affidavit that Smith knocked him down on April 25.

Smith spoke to The Nassau Guardian at the Cable Beach Police Station shortly after he was charged.

"Regrettably, I have been charged with causing harm," he said.

"I say regrettably because I regard myself as being a victim of an attack at Jaws Beach and it certainly seems very odd that I should be the subject of an arrest charge and prosecution at the courts.

"So I regard this as a grave injustice and obviously we have to fight the accusations that are being leveled against me in the courts."

Asked about the incident at Jaw Beach, Smith said he did not want to talk about the specifics of the case before the matter is heard in court.

Smith said police called him a few days ago and asked him to come in to the station.

He said he was under the impression that he was being called in to discuss the charges that he filed against his "attack."

"I was requested by the police to come in a few days ago and made arrangements to travel from Freeport where I live,"

Smith said. "I was not told why I had to come. I thought it had something to do with continuing to provide information about what had happened to me."

Smith said the charge could hurt his reputation.

"These kinds of things have very huge personal repercussions and it is unfortunate," he said.

Smith said he intends to plead not guilty on Friday.

Smith is represented by attorney J. Henry Bostwick, who accompanied him to the police station yesterday.

Smith said he and Bostwick will begin preparing for the trial following the arraignment.



TURNED HIMSELF IN: Fred Smith QC and his attorney John Bostwick QC speak with members of the media concerning charges that Smith is facing.

(Photo: Torrell Glington)



March 26, 2015

Deputy Commissioner of Police (Acting) Stephen Seymour
Royal Bahamas Police Force
Police Headquarters, East Street
Nassau, Bahamas

By hand

Dear DCP,

On behalf of the directors and CEO of Save The Bays, I wanted to express deepest appreciation for your taking the time to meet with us yesterday.

We fully appreciate how full your plate must be and are therefore even more grateful for your agreeing to review the very thorough document submitted detailing what we believe are numerous and increasingly aggressive demonstrations of hate speech. Those demonstrations include defamatory and threatening public verbal and signage attacks on several directors of Save The Bays, an organization dedicated to environmental protection and preservation.

As you review the complaint which was formally delivered to the Commissioner of Police on February 27, 2015, please note that there are several hyperlinks to images and recordings that we fully believe to be in violation of the Penal Code. Also accompanying the document is a DVD with explicit scenes of what we believe are intimidating, threatening and insulting attacks.

Each of the persons targeted by the increasingly aggressive attacks which took place over a series of months feels threatened and seeks protection. Those persons include:

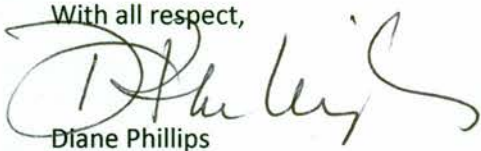
- Rev. C.B. Moss, Pastor, Mount Olive Baptist Church and founder Bahamas Against Crime
- Frederick RM Smith, Queen's Counsel, Managing Partner, Callenders & Co., Freeport, Grand Bahama; Chairman, Save The Bays, co-founder and currently President, Grand Bahama Human Rights Association; legal defender of many unable to pay for legal services.

- Joseph Darville, Education Director, Save The Bays; Vice Chairman, Grand Bahama Human Rights Association; retired principal, Catholic Diocese; founding member and past president of the Bahamas Counselors' Association; past president of the Bahamas Mental Health Association and the Grand Bahama Mental Health Association; founding member and presently co-chairman of the Bahamas National Drug Council; a founding member of the Caribbean Human Rights Network; past VP of the Caribbean Federation of Mental Health; founding member and chairman of Operation Hope, [volunteer drug prevention, education & rehabilitation program]; and an administrative VP of the Freeport YMCA. He also presently serves as Board Chairman for the Grand Bahama Humane Society.
- Paco Nunez, immediate past News Editor, The Tribune.
- Diane Phillips, Save The Bays director, Guardian Talk Radio show co-host; founding and charter member Safe Bahamas; member Historic Bahamas Foundation Council; sole recipient of Bahamas Chamber of Commerce Chairman's Award for Service to the Business Community, and numerous other awards; public relations executive.
- Louis Moore Bacon, successful businessman, conservationist, winner of prestigious global awards including the National Audubon Society Medal for Conservation. Lyford Cay homeowner whose fear for his own life keeps him away from The Bahamas.

For a group of persons so committed to making The Bahamas we all love a better place, the punishment of living in fear is a quiet tragedy and we look to you, as many do, no doubt, for proper investigation and requisite action to initiate steps leading to justice and an end to this misguided travesty. As your investigation progresses, we would be most appreciative, too, of being kept abreast as appropriate.

As we thank you once again, we also invite you to contact any of us should you need further information.

With all respect,

A handwritten signature in cursive script, appearing to read "Diane Phillips". The signature is written in dark ink and is positioned above the printed name.

Diane Phillips

Partners

Colin E. Callender, Q.C.
Frederick R.M. Smith, Q.C.
Lester J. Mortimer, Jr., Q.C.
Stephen A. Turnquest
Chad D. Roberts
Llewellyn Boyer-Cartwright
Courtney L. Pearce
Simone Morgan-Gomez
Jacqueline H. Banona

CALLENDERS
Counsel & Attorneys

FRMS:pyi:11174(3800)
5th May, 2015

Mr. Ellison Greenslade
Commissioner of Police
Royal Bahamas Police Force
East Street, North
Nassau Bahamas

Dear Mr. Greenslade;

**Re: Directors and interested parties of Save The Bays Complaints
against perpetrators of Hate Rallies-follow up to complaint lodged
on 27th February, 2015**

We write on behalf of Diane Phillips, Frederick Smith QC, Joseph Darville, Francisco "Paco" Nunez, Reverend CB Moss and Louis Bacon ("the Victims") as a follow up to the complaint lodged to yourself on 27th February, 2015 against the perpetrators of criminal threats, intimidation and harassment by various public protests against them over the past 9 months ("the Hate Rallies"). A copy of the Complaint is again enclosed for your ease of reference.

On 25th March, 2015 (in or about a month after lodging the Complaint and not receiving a response), some of the Victims¹ subsequently met

¹ namely Fred Smith, QC, Diane Phillips, Joseph Darville and CEO of Save The Bays, Vanessa Benjamin.

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with Acting Deputy Commissioner of Police, Stephen Seymour where they provided him with an oral account of the Hate Rallies and the fear and anxiety they now live with as a result of the same. The Victims confirmed that they required police investigation and police action. They also asked Acting Deputy Commissioner of Police to keep them abreast of any development in the investigation.

In response, Acting Deputy Commissioner Seymour undertook to review the Complaint and to conduct an investigation in respect of the same. We enclose a letter date 26th March, 2015 from one of the Victims, Diane Phillips (on behalf of the Victims) to Acting Deputy Commissioner Stephen Seymour briefly detailing the meeting.

To date, the Victims have not heard anything further from Acting Deputy Commissioner Seymour or yourself in relation to the Complaint.

Consequently, Diane Phillips has made numerous attempts to contact you and has left countless messages following up on the status of the investigation against the perpetrators of the Hate Rallies. She has yet to even receive the courtesy of a reply.

Two months have passed since the lodging of the Complaint and we have yet to receive a formal response and/or any indication from you as to whether an investigation has commenced against the perpetrators of the Hate Rallies.

Given the serious nature of the Hate Rallies and the Victims' continued fear and anxiety for their safety and well-being, we are concerned and disappointed, by your unresponsiveness to the Complaint.

Commissioner's undertaking to take action against public verbal abuse

The lack of response to the Complaint is particularly shocking since, you have in the past given an undertaking to take action against perpetrators involved in similar matters to that faced by the Victims.

Such undertaking is documented in an article entitled "*Warning Over Use of Social Media*" published in the Tribune on 5th April, 2013 (copy enclosed). In the article, you stated that "*technology should be use for positive reasons, not to malign persons character.*"

You went on to make a plea to victims to report matters involving such abuse to law enforcement or to you personally, if they were of the view that an investigation was not progressing quickly. Further, you personally undertook to take actions against perpetrators in such matters and stated your intent as follows:-

....." I demonstrate by action, how serious I am about that. I am prepared to speak to it again and again, until the message is clear. If you post on Facebook or any other social media anything that is contrary to law, that is obscene or indecent and it infringes upon the rights of any other citizen, this commissioner of the RBPF-I daresay all of us in public safety – are going to take action because we have a problem with that. We are not going to ignore it!

You indicated in that article that "*we (i.e. the police force) have looked at charges already for any number of persons*".

Consistent with your undertaking, we have seen Rodney Moncur arrested and charged with “*committing a grossly indecent act*” for posting a picture of a man who died in police custody on his face book page. A copy of an Article entitled “*Rodney Moncur charged in Court over Facebook Pictures*” also published in the Tribune on 5th April, 2013 evidencing Mr. Moncur’s arrest and charge is enclosed.

Additionally, in or about December 2014, following the private exploitation of rising singing star, Angelique Sabrina, she was publicly bullied by numerous persons on social media by the posting of various obscene and degrading comments. We understand that law enforcement intervened and assisted her by investigating those who were behind the bullying issued warnings to the perpetrators of the same. As a result, it appears that the majority of the personal attacks on Angelique Sabrina have been removed from social media.

Based on the foregoing, it would appear as if law enforcement has in fact taken action against those who publicly bully, defame, and verbally attack others. Unfortunately, despite the various attacks on the Victims and the large number of persons who have witnessed such attacks and/or may have been influenced by the same, it would appear as if law enforcement has taken a different approach in this matter from other recent cases and that which you expressed in your interview with the Tribune of 5th April, 2013.

Naturally, we are confused by this departure from precedent and as such seek an explanation as to why this matter has not garnered the same attention as those of a similar nature.

The Victims continue to live in fear

As far as the Victims are aware, the perpetrators of the Hate Rallies are still at large and at minimum, there has not even been an investigation as to who are responsible for instigating the same.

As a result, of the Victims uncertainty of the identity of the perpetrators of the Hate Rallies and the influence their xenophobic, hate speech messages have had on other members of society, the Victims continue to fear the escalation of the Hate Rallies and/or being the target of racially motivated crimes. They live with constantly having to look over their shoulders.

Prime Minister Christie is threatened

As you know, Prime Minister Christie was recently threatened as a result of opposition to his public opinion.

The threats to Prime Minister Christie was reported in a Tribune Article published on 12th March, 2015 entitled “*Extra Protection for PM After Threats*”, (copy enclosed). In the article, Prime Minister Christie admitted he had received violent threats which led to him having to increase security.

Prime Minister Christie also acknowledged the risk of violence against those who express public opinion that are opposed by others. He stated as follows:-

“We have to be careful as leaders when we create public opinion that is interpreted by our supporters who might not

be as disciplined as us. That interpretation could manifest itself in violence being inflicted”.

Prime Minister Christie’s comments have intensified the Victims’ fear that until appropriate measures are taken against the perpetrators of the Hate Rallies they are endanger of being continually defamed, threatened or even worse, targets of physical violence!

Save The Bays’ members call for protection

Unfortunately, unlike Prime Minister Christie, who has access to continued protection, the Victims have not been offered any assistance or protection from law enforcement nor have they even received confirmation that the Hate Rallies are being investigated.

Consequently, the Victims in an article dated 16th March, 2015 entitled “*Fred Smith QC: Christie not the only one living in fear*” published on bahamasweekly.com (copy enclosed), Fred Smith, Chairman of Save the Bays, was forced to resort to making a public plea on behalf of the Victims to Prime Minister Christie for his assistance in ending the Hate Rallies and protecting the Victims from potential violence.

Mr. Smith called on Prime Minister Christie to see to it that the Hate Rallies are investigated and the perpetrators of the same are punished. He also asked Prime Minister Christie to ensure that members of Save The Bays “*enjoy the same level of safety, security and peace of mind that he, his colleagues in Parliament and indeed any other member of this society deserves to enjoy*”.

The Victims again call for an investigation of the Hate Rallies

Despite lodging the Complaint and making a public plea to Prime Minister Christie, requesting an investigation of the Hate Rallies, as far as the Victims are aware, there has yet to be an investigation of the same.

Unfortunately, until there is an investigation and the appropriate measures taken against the perpetrators of the Hate Rallies, the Victims continue to live with fear and anxiety of being the target of continued attacks or racially motivated violence.

There appears to be a growing culture in The Bahamas of persons terrorizing, threatening and/or inflicting violence on those who hold public opinion that may differ from theirs. The Prime Minister has acknowledged this growing culture. As this sort of behaviour threatens the fabric of democracy upon which The Bahamas was built, a message needs to be sent, in our view that such behaviour will not be accepted in a democracy like ours.

In the circumstances, we again request that you undertake a full investigation of the Hate Rallies and take the appropriate measures against those responsible.

Yours sincerely,
CALLENDERS & CO.


Frederick R. M. Smith, QC

Encls.

Partners

Colin E. Callender, Q.C.

Frederick R.M. Smith, Q.C.

Lester J. Mortimer, Jr., Q.C.

Stephen A. Turnquest

Chad D. Roberts

Llewellyn Boyer-Cartwright

Courtney L. Pearce

Simone Morgan-Gomez

Jacqueline H. Banona



FRMS:pyi:11174(3800)
24th August, 2015

Mr. Ellison Greenslade
Commissioner of Police
Royal Bahamas Police Force
East Street, North
Nassau Bahamas

Dear Commissioner Greenslade,

**Re: Directors and interested parties of Save The Bays Complaints
against perpetrators of Hate Rallies-follow up to complaint lodged
on 27th February, 2015**

We write on behalf of Diane Phillips, Frederick Smith QC, Joseph Darville, Francisco "Paco" Nunez, Reverend CB Moss and Louis Bacon ("the Victims") in relation to the criminal threats, intimidation and harassment they have endured during various public protests over the past year ("the Hate Rallies").

On February 27, 2015, a complaint was lodged to yourself against the perpetrators of the Hate Rallies. The Complaint contained a thorough dossier detailing a trend of increasingly aggressive demonstrations of hate speech and defamatory and threatening verbal attacks against the

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Victims. The Complaint also contained videos and photographs evidencing the same.

On March 25, 2015 (in or about a month after lodging the Complaint and not receiving a response), some of the Victims¹ subsequently met with Acting Deputy Commissioner of Police, Stephen Seymour where they provided him with an oral account of the Hate Rallies and the fear and anxiety they live with as a result of the same.

The Victims confirmed that they required police investigation and police action. Acting Deputy Commissioner Seymour confirmed the Complaint was under investigation and that he would revert to the Victims in due course.

A letter dated March 26, 2015, from Diane Phillips to Acting Deputy Commissioner Seymour confirms the meeting.

Surprisingly, the Victims have not heard anything further from Acting Deputy Commissioner Seymour on the status of the investigation.

On May 5, 2015, we again wrote to you and followed up on the status of the police investigation.

In or around the same time, one of the Victims, Diane Phillips also personally spoke with you concerning the Hate Rallies and pleaded for police investigation and action. We are told by Ms. Phillips that you indicated to her that the Complaint had been turned over to in house

¹ namely Fred Smith, QC, Diane Phillips, Joseph Darville and CEO of Save The Bays, Vanessa Benjamin.

Counsel for consideration. However, to date we have yet to receive a formal response to the Complaint.

It has been over a year since the Hate Rallies began and as the Victims feared, the perpetrators of the Hate Rallies have continued to harass and intimidate them.

Most recently, on June 19, 2015, in the front of the Supreme Court, following court proceedings involving Peter Nygard and Save the Bays, a group of persons participated in a protest against Louis Bacon (“**the June 19 Protest**”). The protesters carried placards that displayed hate messages directed at him.

For instance, the placards stated the following:-

“Leave the man alone Mr. Bacon”

“Mr. Bacon please go, go, go far”

“Mr. Bacon fake & a liar”

“Mr. Bacon is a racist”

Louis Bacon not wanted in the Bahamas.

Some of the protesters also carried blow horns and shouted the hateful messages contained on the placards.

Photographs and videos evidencing the June 19 Protest are enclosed hereto at *Exhibit 1*.

You would note that the Hate Rallies have intensified and the perpetrators of the same have further demonstrated their lack of regard for the law by having the audacity to harass and intimidate one of the Victims in the front of a Court of Law.

The perpetrators of the Hate Rallies have no respect for the law and we believe their continued activities are a consequence of the lack of response to them.

The Victims are concerned that if action is not taken against the perpetrators of the Hate Rallies, their actions towards the Victims may spiral into physical violence or incite others to resort to the same.

Each of the Victims of the Hate Rallies continues to feel threatened and is in urgent need of protection. In addition to myself, those persons include:

1. Rev. C.B. Moss, Pastor, Mount Olive Baptist Church and founder of Bahamas Against Crime;
2. Joseph Darville, retired Principal; past President of the Bahamas Counselors' Association; past President of the Bahamas Mental Health Association and the Grand Bahama Mental Health Association; current Co-Chairman of the Bahamas National Drug Council; founding member of the Caribbean Human Rights

Network; past Vice President of the Caribbean Federation of Mental Health; Chairman of Operation Hope; Administrative Vice President of the Freeport YMCA;

3. Paco Nunez, immediate past News Editor, The Tribune; award-winning journalist; alumni of the U.S. State Department International Visitor Leadership Program;
4. Diane Phillips, Public Relations Executive, Guardian Talk Radio show co-host; founding and charter member Safe Bahamas, member Historic Bahamas Foundation Council, recipient of Bahamas Chamber of Commerce Chairman's Award for Service to the Business Community; and
5. Louis Moore Bacon, renowned Businessman, Conservationist, winner of numerous global awards including the National Audubon Society Medal for Conservation.

As can be seen from the above, the Victims, have and continue to make positive contributions to The Bahamas. It is an utter tragedy that the Royal Bahamas Police Force ("RBPF") has failed to take action while the Victims are force to live in fear in the country they call home and have contributed much too. Consequently, we look to you, as many do, no doubt, for a proper investigation of the Hate Rallies, followed by the appropriate action against the perpetrators of the same, so that finally, this travesty will be brought to an end.

On a personal note, during your irreproachable stint in command of the RBPF in Grand Bahama, I came to know you as a fair, upstanding and progressive Officer, not to mention a courageous and honorable individual for whom I have the greatest respect.

For these reasons, and as we continue to live in fear, we find the continued silence from the RBPF you command to be extremely distressing and disconcerting.

This distress has been exacerbated following the revelation that Minister of Foreign Affairs and Immigration Fred Mitchell has caused a peaceful information sharing meeting on August 8, 2015 to be placed under active police investigation.

We sincerely hope that the comparative treatment of these two matters does not give rise to the impression that in The Bahamas, criminal complaints by community activists and human rights defenders are either disregarded or deprioritized, while complaints *against* them are pursued with rigor and expedition.


After all, the community meeting in question occurred only days ago and by the minister's own admission was "not criminal". By contrast, the Hate Rallies started over a year ago and are and immeasurably more consequential in nature, encompassing, we believe, several violations of the Penal Code and more generally posing a threat to the rule of law if allowed to stand as an example.

Certainly, it would be most unfortunate for the impression to arise that the wheels of justice turn faster for those in positions of power and influence than they do for the average Bahamian.

We, therefore respectfully, but in the strongest of terms, request an immediate meeting with you, to discuss the Complaint and the progress of the investigation. The Victims also plead to you for fair treatment and recognition of their right to feel safe and protected by law enforcement.

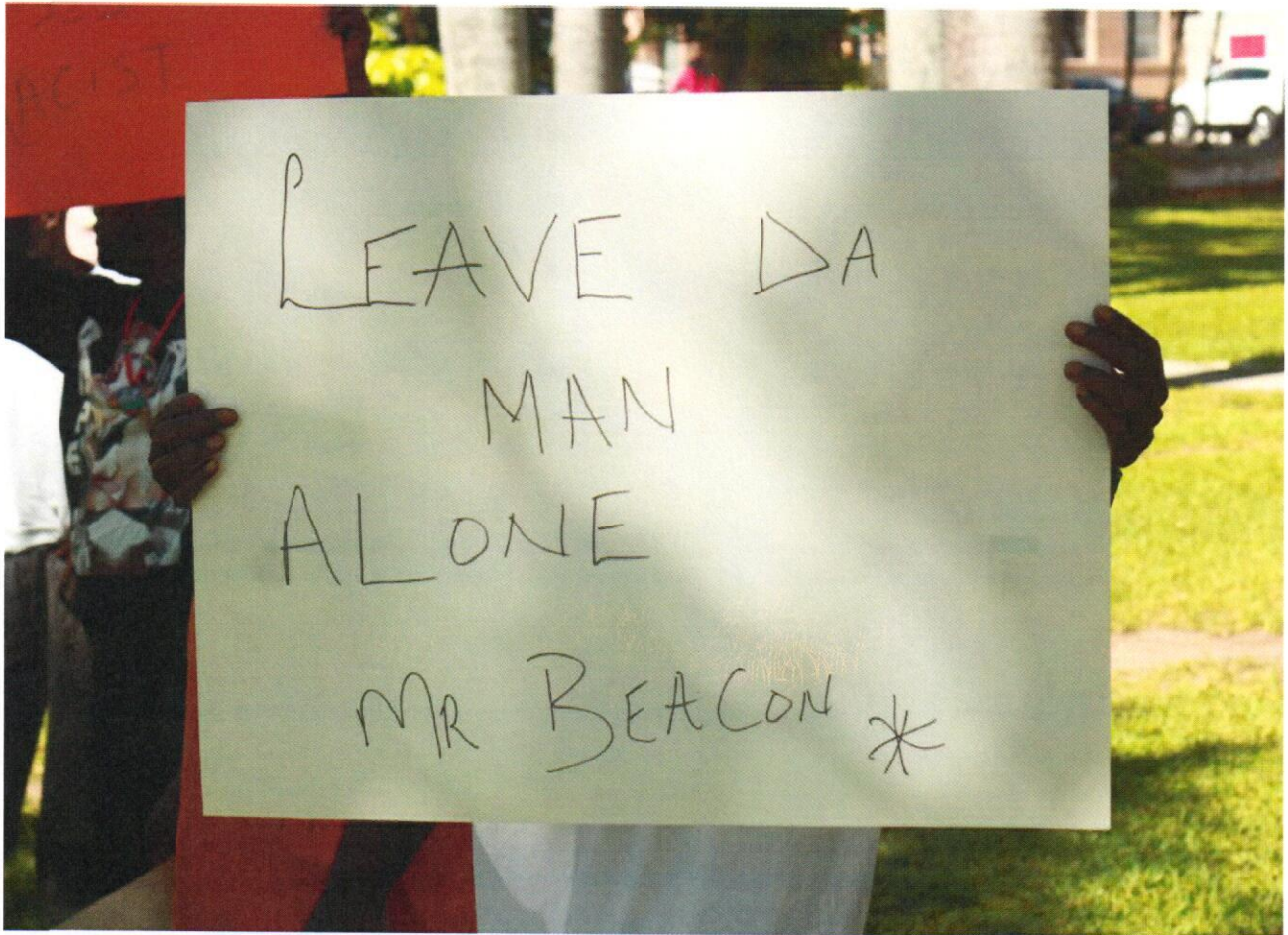
I will make myself available at your convenience. Thank you for your urgent attention to this most serious matter.

Yours sincerely,
CALLENDERS & CO.


(for) Frederick R. M. Smith, QC

Encls.

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Statement
by
Frederick R. Smith Q.C.
To
The Attorney General
and
the Commissioner of Police

Complaint
Against
Keod Smith

April 25, 2013

My name is Frederick Smith. I am a counsel and attorney and a Queen's Counsel of the Commonwealth of The Bahamas. I reside at Lot 9, Tract L Fortune Bay, Freeport, Grand Bahama. I am 56 years of age born on September 25, 1956 and I am a Bahamian citizen.

On Thursday April 25, 2013, as part of my responsibilities as a counsel and attorney and a director of the Coalition to Protect Clifton Bay, and continuing my enquiries preparatory to legal action, I visited Jaws Beach at the Clifton Heritage site just to the west of Lyford Cay, New Providence.

On visiting Jaws Beach at about 1.15 pm, I observed approximately five to seven men milling about and involved in construction of a new dock

at Jaws Beach. In addition, there was a tractor/backhoe in operation which was in the process of moving large boulders and placing them on the western side of what appeared to be the remnants of a concrete ramp between the canal, dock and the rocks.

As I was taking pictures there was banter between the construction workers and myself.

I went to the dock, put the camera down, introduced myself and started having sensible discussions with a number of the workers. I explained the work of the Coalition and they also shared with me some of their concerns.

I noticed the t-shirts which they were wearing.

The front of the t-shirt proclaimed "RE NEGOTIATE"; and underneath "Clifton is Ours; Don't Mess With Us".

On the back of the t-shirt, it says "We won't let LOUIS BACON AND HIS UNRIGHTEOUS COHORTS, ROB, LIE, TRICK OR BRIBE US OF OUR INHERITANCE; RE NEGOTIATE".

The exchanges which we had were reasonable and sensible and I asked them to explain to me their various concerns. They were particularly concerned about the creation of a marine park which would prevent them from fishing in Clifton Bay. I said that I understood that was a reasonable concern. I expressed that this was a reasonable issue to be addressed in discussions about creating a marine park.

In the course of our conversations, they seemed convinced that Mr. Louis Bacon was intent on taking land away from the Bahamian people, that they were fighting for their rights to have access to the bay, likewise Jaws Beach, their right to launch boats and to have free and undisturbed access to the beach.

I explained that no one was trying to take away the beach or prevent them from having access and they told me that up to about two and a

half to three years ago there was a gate which prevented people from having access to Jaws Beach. I answered by saying that I did not know about that and that it was perhaps something which the Clifton Heritage Authority had done. My conversations with them lasted for about half an hour and the longer the conversations occurred and the more persons I engaged directly, the more we all began to communicate and understood more where the Coalition was coming from and what their concerns were.

I even noticed that one had a Kalik beer in their pocket and I promoted Freeport Sands beer instead and promised to get them some, which they all appreciated.

They were very concerned about white rich Foreigners coming to the Bahamas and doing whatever they wanted and they accused Bacon repeatedly of trying to steal their land and “heritage”.

During our conversation they told me that Keod Smith was on his way and that I could speak to him. When they broke for lunch they went and sat under the casuarina trees to the west of the dock and in front of my rented Hertz vehicle.

I stayed near the dock and continued to take pictures.

At about this time, I decided to leave and was walking back to my car and some of the fellows called on me to say that if I really meant any good I would buy them all a cool drink since they were working so hard in the sun. I said no problem, took \$30 from my pocket and gave it to one of the workers who gratefully took it while all of the others joked about it. I said to him “**make sure you don’t accuse me of buying you all off now**”. To which they all laughed.

Up until this time, I had felt no fear, anxiety, or apprehension filming what was going on, talking with the workers, approaching the dock, being on the dock and having discussions with them or going back to my car.

As I was walking back to my car a small white vehicle drove up and Keod Smith and a driver came out bringing boxes of Kentucky fried chicken.

I started to film this which seemed to anger Keod Smith no end.

I have a first video clip which records what I observed from his appearance on the site that he was already heated about my being there. He was also angry about my filming and came over to me and demanded that I delete what I had just filmed. He became very aggressive and as he did so, all of the workers began to congregate around me in a threatening manner.

I was at my car, and Keod Smith began almost a continuous flow of insulting verbal abuse and haranguing and threatening language which annoyed and offended me considerably.

I tried to calm things down and to address specific issues with him. I had made good ground with communicating with the workers and did not wish to have Keod say things which were not true or which were misleading without answering them. I thought that I could reason with Keod, a fellow counsel and attorney, and a person with whom I had had professional business in the past.

Keod Smith was demanding why I was on his beach; that I had no right to be there. He was very abusive with regard to Louis Bacon accusing him of being a liar; of trying to buy the Clifton Heritage site for \$25M; of having built a canal illegally; of being a drug smuggler; and many other things.

As Keod made accusations about the Coalition, or about me, or about Louis Bacon, and other issues, I tried to explain what I understood to be the truth. He also kept repeating that I was Bacon's lawyer which I emphasized that I was not.

His group of workers were all watching and each of them took up and were holding either a large stick or branch, a hammer, a crow bar, a long piece of bent steel or other potential weapon.

At first, I thought that I could engage Keod in the presence of his workers to discuss the issues.

It was however, apparent that Keod Smith was determined to be angry, hurl abuse and threaten me.

Periodically I said to him things like, "Keod, you don't have to behave this way, we have known each other for a long time; you don't have to pick a fight, you don't have to put on a show, I have been talking with these guys; we have known each other too long, why are you behaving this way"

The person who came with Keod in the car was periodically mumbling and expressing anger and derogatory comments. It was somewhat of a continuous undercurrent.

As the exchanges ebbed and flowed Keod would periodically become very aggressive and very angry and pushed himself up into my chest several times and on a couple of occasions he brandished a large casuarina stick at me and was pushing my chest with his hands and jumping up into my face and screaming and hurling abuse at me. This happened on several occasions and on each occasion he was obviously trying to provoke a physical reaction by me to him.

Shortly after Keod came I recall that I did touch Keod in a gesture of friendliness either to shake his hand or to put out my arm towards him or to chat in a friendly way. I do not exactly recall this slight touching in any more detail other than it did occur. It was I believe filmed by his driver.

In any event, it was not a gesture by me which was an assault, threat, or attack. It was in the nature of a friendly outreach to a person whom I have known for many years.

In no other way did I threaten to assault, batter, attack or in any way put him or any of his workers in threat of harm.

Although, when I had originally engaged and was talking with all of the workers before Keod's arrival I was not feeling any fear, as Keod Smith worked his assaulting frenzy, I could see a number of his workers stenching up and picking up and holding the tools and instruments which were obviously now weapons in a ready to strike position.

These men had originally been sitting around on the bench and milling around eating their Kentucky which Keod had brought them.

Although initially, when Keod started engaging me I did not feel physically threatened, within minutes of his continuing his verbal attacks, I became frightened for my physical wellbeing. It became apparent to me that Keod Smith was getting his blood up and was determined to incite riot and harm towards me. I became fearful of the workers and what they might do to me because they were obviously controlled by Keod Smith because they did what Keod told and incited them to do

At one stage I tried to leave but Keod said that I was on his beach now and that I could not just decide to leave, I could only leave when he told me I could leave. I got into my car and tried to move it but he told the workers to surround the car and he stood directly behind the car and prevented me from moving. I could not go forwards or backwards.

I got out of my car and was still surrounded by the workers and Keod began haranguing me again. I stood at the back of my car to give myself some protection from the back while his workers were on the side and Keod stood in front of me.

Periodically, he came very close and again started jabbing and jarring me in my chest and apparently trying to provoke a fight. He was in a rage. The workers milled about and he went back to his car for something. I again tried to leave and he came dashing back and told the tractor driver to hurry up and bring the tractor behind my car so that I could not reverse.

In front of my car was the beach and it would have been difficult, if not impossible for me, to flee in that direction. I was very frightened for my life at this stage and the car was surrounded by all of his men. Keod had a big stick about 4 feet long and all of the others were brandishing their weapons of one sort or another, putting me in fear of physical harm.

I took a chance that I could go and try the beach way. They did not expect me to do so and I was able to drive over the brow of the beach hill. I had to stay very close to the tree to get traction for the tyres. At one stage one my tyres was spinning in the sand but I managed to veer around several of his workers who began rushing to the other side of the car.

One person stood in front with a stick while others started hitting the car with their weapons, all the while Keod was shouting "Don't let him go, don't let him go".

The vehicle had dents on the front hood from where it was being struck. I moved forward. As I inched forward the one in the front moved to the side slightly and I was able to go past him without touching him although it broke the stick on the right hand side of the car. As the stick was long and a part of it was on the ground being held upright by him, I believe the tyre went over it and pushed it down.

The car did not touch the gentlemen who had been in front.

As I was managing my way around the casuarina tree and they were banging on the car, someone landed a heavy blow, or several, with a

steel curved bar and broke the back of my windshield. The smashing, shattering and glass flying into the back of the car, terrified me. By that time I knew my life was in danger.

I was fearful that my life was in danger, because Keod Smith had incited these workmen to riot, disorderly behaviour and to assault, to inflict harm on me and to maliciously cause actual damage to the self drive rental vehicle which I had from Hertz to wit, denting the hood in several places and smashing the back windshield.

I then drove towards the street and stopped just where the sand ended and looked back. I caught my breath and saw where the entire back windshield had been smashed in. I estimate the cost and damage to repair this will be at least \$1,000 but an accurate estimate will be obtained and provided to you. I took photographs of the shattered back windshield.

As I did so, I was surprised to see Keod making his way towards me. I filmed his approach as you will notice from another video in my possession taken by me and kept asking him why he did this and he kept asking why I had come there to cause trouble.

In filming him I realized why he took the opportunity to come to my vehicle.

When he reached the back of my vehicle he placed his hand through the shattered, broken windshield and removed the steel bar which had been used to smash my back windshield, thereby removing evidence which would have had fingerprints and which would have proved who actually did the damage which Keod Smith incited before and during my flight and which he abetted after the fact by taking away the evidence and thereby causing it to be concealed from production to you, it having been in my car.

Until Keod Smith arrived I was not in fear of my life or felt any danger. Although the conversation between me and some of the workers had

some touchy issues about race, etc., I was able to engage in sensible and reasonable discourse and even went back and sat down with some of them shaking hands and getting to know them.

After Keod's arrival, I began to feel more endangered, threatened and frightened. As Keod's haranguing of me became more and more heated and his attacks on me increased and his inciting the workers to do me harm increased, I became more and more and more frightened.

I escaped with my life and unharmed except for the batteries on my chest.

None of the assaults and batteries or threats of harm would have occurred if Keod Smith had not been encouraging them or inciting the workers to take violent action against me.

I hold Keod Smith completely responsible for the harm and threats of harm which I was subjected to and I ask the police to take appropriate action against Mr. Keod Smith.

I no longer feel safe. During the course of his exchanges Keod made it plain I was not welcome in Nassau; what was I doing coming from Freeport to interfere with things and that I was only creating trouble and he was telling the workers, "Now you see who he is; That's Bacon's lawyer; "That's the Haitian" and that I was not Bahamian and that I had to swear an oath to become Bahamian.

As Keod's attacks on me became more heated I was completely shocked at his behavior. I could not understand why a fellow counsel and attorney, a colleague and a person who I had known as a reasonable man should have arrived on the scene and been so aggressive and in a rage towards me.

I must also say that I consider Mr. Louis Bacon is not safe in Nassau as he repeatedly said he was going to take care of Mr. Louis Bacon and me.

In particular with respect of Mr. Bacon he said that before Keod Smith was finished he would make sure that Louis Bacon was jailed in Fox Hill Prison and he said "I have a big 6 foot black man that is going to take care of Bacon when we get him into Fox Hill".

He also insisted that Bacon was a liar, and that Bacon wanted this property. And that Bacon had offered him \$25,000,000 for the land and that Bacon could not escape, because he, Keod Smith, had all of the papers to show all of this.

He also said that Bacon, and I and others would have been sued for libel a long time ago except that we had a couple of members on our Board of Directors and for that reason he would not sue for defamation.

He kept accusing and winding everybody there up about Bacon being part of the Klu Klux Klan and that his people were not going to let Bahamians be abused by Louis Bacon or any other racist.

He said that he was an activist and that I did not know who I was playing with and that he was a "warrior" and was going to show Bacon and everyone working with Bacon, what he was about.

During the exchanges, I had asked Keod Smith if he had a permit for doing the works at Jaws Beach and he proclaimed that he, Keod Smith, did not need a permit to do what he needed to do on his public beach.

I hereby make available to you an electronic copy by CD of all of the still photographs and video clips which I took in regard to the above incident and as the maker thereof I am prepared to put the same into evidence.

For most of the time that the exchanges took place between myself and Keod Smith a person who had driven up and was driving Keod's vehicle filmed us on his Smart phone.

A handwritten signature in black ink, appearing to be the initials 'BM' or similar, written in a cursive style.

Accordingly a record of most of the verbal exchanges between us is on record and I urge the police to quickly obtain a copy of those recordings because they are the best evidence.

I hereby complain against the said Keod Smith and other persons present at the aforesaid day and time for being concerned together in the following criminal actions against me,

1. Unlawful assault contrary to section 133 of the Penal Code
2. Uttering threats of harm contrary to section 203 of the Penal Code
3. Causing public terror contrary to section 205(1) of the Penal Code
4. Making use of violent, scurrilous and highly abusive language to provoke other persons to breach the peace contrary to section 208(1) of the Penal Code.
5. Threatening abusive and insulting language to my annoyance contrary to section 208(2) of the Penal Code.
6. In a public place using threatening language concerning other persons to wit, Louis Bacon, contrary to section 208(7) of the Penal Code.
7. Unlawful assault against me contrary to section 264 of the Penal Code.
8. Causing unlawful and malicious damage to my self drive automobile Registration Number SD-36 being a Nissan Versa 2012 rented by me; smashing the rear windshield of the said vehicle, and denting the front hood, causing damage of likely in excess of \$1,000 in my estimation, to be verified by an estimate contrary to section 328 of the Penal Code

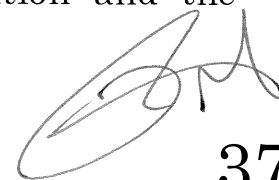
9. Taking part in unlawful riot, being armed with offensive instruments, to wit, wooden sticks, crowbar, hammer and other metal objects contrary to section 410 of the Penal Code.
10. Using violence with intent to deter myself from acting as counsel and attorney in legal proceedings or inquiring about the same about to be commenced contrary to section 420 of the Penal Code.
11. With reference to all of the aforesaid offences, abetment of the respective offences contrary to section 86(1) of the Penal Code. In this latter regard, not only was there a direct instigation, encouragement, promoting of others, but after the fact in the case of Keod Smith himself of removing evidence from the scene of the crime that could easily have been fingerprinted.

I make this statement of my own free will and volition and it is correct and true to the best of my knowledge and belief.

I make the same in respect of my request for police action.

I am continuing to review this statement in the event that I may be able to recall any further information for inclusion in due course. It is obviously not a complete record of everything which was said and which occurred.

I have on several occasions today since the above described incident, attempted to contact the Commissioner of Police to make an appointment to personally report this. Unfortunately, we have not been able to make contact. In addition, signed copies of this Statement are being hand delivered to the Commissioner of Police in care of the Police Headquarters, Central Police Station and the



Officer in Charge of the Cable Beach Police Station and to the Office of the Attorney General. I am also sending electronic copies of this to the Commissioner of Police.

Signed: _____


Frederick R. M. Smith Q.C.

25. April 2013





ALARM OVER KKK PROTEST

New Years Day spectacle highlights urgent need for hate speech laws

◀ **XENOPHOBIC MESSAGES** and Ku Klux Klan symbolism on display at this year's Junkanoo parade, the centerpiece of Bahamian cultural life.



SAVE THE BAYS DIRECTORS were targeted with libelous and discriminatory messages during an attempt to disrupt a pro-Freedom of Information event in December.

By SAVE THE BAYS

The barbaric, hateful and intimidating demonstration which was allowed to poison our national cultural centerpiece, Junkanoo, on New Year's Day signals the rise of a shameful and dangerous tendency within our national public dialogue.

The hostile and xenophobic messages on display at this traditional family event, well attended by visitors from abroad, targeted Save The Bays (STB) chairman Fred Smith, QC, and renowned international businessman and conservationist Louis Bacon. Banners read: "Bacon is KKK" beneath an image of a burning cross, "Join the coalition to banish Bacon", "Fred Smith, Haitian infidel", and "Is Fred Smith a Bahamian or an illegal Haitian?"

The Bahamas should be proud to have such esteemed and prestigious individuals leading the charge for environmental rights; instead we allow a gang of thugs to attempt to tarnish their names and reputations while thousands look on in person and untold numbers witness it via social media or other means, bringing shame and embarrassment to the nation of The Bahamas.

STB is not asking for special treatment for Messrs Bacon and Smith, nor anyone else; the fact is that every individual in The Bahamas deserves the right to live their life without the specter of fear and intimidation hanging over their heads.

The heinous Junkanoo spectacle was but the latest in a series of malicious attacks on peaceful and law-abiding individuals. On December 5, a

STB Director, a universally respected veteran educator, who served as principal of a Catholic High School in Grand Bahama for 20 years. Newly appointed STB director Diane Phillips was also singled out by the group of aggressive male protesters, an experience that left her in fear for her safety, but undaunted.

A self-styled "Pro-Nygaard" march through Downtown Nassau in July 2014 attacked Mr. Bacon, Fred Smith and Rev. Dr. CB Moss, an esteemed and influential member of the local clergy, as well as a former PLP Senator. Clearly the orga-

“Every individual in The Bahamas deserves the right to live their life without the specter of fear and intimidation hanging over their heads.”

nizers and perpetrators of these reprehensible displays have no respect for any individual or institution.

We take note of Minister of Youth, Sports and Culture Dr. Daniel Johnson's pledge to investigate the latest incident. While this should be regarded as a positive first step, a comprehensive and definitive response from government is also required. STB submits that if not dealt with promptly and decisively, this ominous new tendency could threaten this country's efforts to chart a course towards a more decent and tolerant future.

The Directors of STB and Rev C. B. Moss are all civic and like minded environmental leaders who are committed to preserving the beauty and natural resources of The Bahamas for future generations with

environmentally sustainable development.

These repeated attempts to demonize and strike fear into the hearts of individuals – and particularly those advocating for greater individual rights, government transparency and respect for the rule of law – point to a desire to silence free speech, incite hatred and bring an end to socially constructive community activism in The Bahamas.

On a separate but equally concerning note is the evidence of the inducement, financial or otherwise, of persons of Afri-

Bahamas.

We therefore call on the government to follow international trends and best practices by bringing a Bill to parliament that would make it a crime to incite hatred, violence or prejudice against any individual or group, by the use of threatening or intimidating language or actions.

Obviously such a law would have to be carefully crafted to ensure that it cannot be used to curtail our constitutionally guaranteed freedom of expression. But free speech rights can never be used as an excuse to



MANY INVOLVED in the December protest could not explain the meaning of the words and symbols on display.

paganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group

“These repeated attempts to demonize and strike fear point to a desire to silence free speech, incite hatred and bring to an end socially constructive community activism in The Bahamas.”

can descent to don the costume of oppression – the symbols and vestments of the abominable Ku Klux Klan. During the December 5 demonstration, several participants admitted they had no idea who they were protesting against or what the messages or symbols on display referred to.

Clearly, there is an attempt afoot to undermine and pollute the identity of Bahamians as a free and independent people who so proudly – and to our eternal credit, peacefully – shook off the shackles of op-

pressure. It reduced The Bahamas to a mockery of what we are supposed to be as a nation.

Around the world, hate speech is recognized as any effort to brand individuals and minorities with false and negative attributes in a way that is directly harmful to them. When repeatedly used, it has been known to incite discrimination, victimization and violence.

Over the past few decades, countries across the globe have been forced to grapple with the consequences of a surge in the instances of hate speech, often tied to the rise of religious fundamentalism and in many cases with disastrous and tragic results. STB does not want to see this kind of fallout in The

incite hate or to infringe upon or violate other sacred rights of the individual, for example the right to security, freedom of conscience and freedom from discrimination of any kind.

In addition, The Bahamas has ratified the International Covenant on Civil and Political Rights, which states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.

The American Convention on Human Rights, to which

of persons on any grounds including those of race, color, religion, language, or national origin shall be considered offenses punishable by law.”

The vast majority of developed countries and several in the developing world have already passed some form of ban on hate speech.

In Belgium, acts motivated by racism or xenophobia are prohibited; in Canada, inciting hatred against any identifiable group is an indictable offense; in Denmark, public statements by which a group is threatened, insulted or degraded are prohibited; in Germany, incitement to popular hatred is a punishable offense; in Iceland, ridicule, slander and threatening speech is banned; in Jordan, several laws seek to prevent the dissemination of material that would provoke hatred or strife; Singapore's penal code criminalizes the deliberate promotion of enmity, hatred or ill-will and hate speech was specifically excluded from protection under the South African Constitution. The list goes on and on.

STB calls on the government of The Bahamas to join the ranks of these forward thinking nations and protect all citizens, residents and visitors from intimidation, slander and threatening language or actions.

An Act of Parliament banning hate speech should form part of a raft of Human Rights Act and similar Bills that also include anti-corruption laws, appointment of an Ombudsman, a Freedom of Information Act and enhanced protections for all minority groups in The Bahamas.



PROTESTERS who sought to disrupt the FOIA event target Fred Smith, Louis Bacon and new STB director Diane Phillips, who was in fear for her safety but remained undeterred.

“If not dealt with promptly and decisively, this ominous new tendency could threaten this country's efforts to chart a course towards a more decent and tolerant future.”

The Bahamas is also a signatory, declares that: “Any pro-

PAID ADVERTISEMENT



THE “PRO-NYGDARD” march in July 2014. Men wearing “Save Nygaard Cay” t-shirts attacked Rev. Dr. CB Moss, Fred Smith and Louis Bacon, calling them, among other things, terrorists.

That well-respected and prominent individuals should be allowed to become the victims of such malicious and reprehensible malignancies, paraded about in the public square, and that no one – from the police to the parade organizers to the politicians in attendance – saw fit to intervene, are to be regarded as enduring stains upon the conscience of this nation.

Mr. Bacon is a renowned and decorated philanthropist and environmental conservationist. He is a director of STB along with Fred Smith, who is a highly regarded Queen's Counsel. Both men have spent decades leading efforts to protect the environment.

similar protest featuring identical banners and costumes, attempted to hijack an even in support of the passage of a Freedom of Information Act, organized by STB.

Controversial fashion designer Peter Nygard went on the record to deny he organized this December protest. He has yet to make any comment on the unseemly New Year's Day display or on a “pro-Nygaard” march held in July of last year, in which hostile messages against STB directors and associates were also on display.

On that day, targets included Joseph Darville also an



Founded less than two years ago, Save The Bays began as a grassroots effort to protect ecologically significant areas of The Bahamas from unregulated development. It has grown into a broad-based coalition calling for comprehensive environmental protections, oil spill legislation and greater transparency in government. With more than 17,200 followers on Facebook, STB is the fastest growing, most popular non-profit, non-government organization in Bahamian history on social media. The group's petition calling on the government to enact an Environmental Protection Act, a Freedom of Information Act, stop unregulated development and end to oil pollution, is climbing in numbers, with around 6,400 signatures so far. To get involved, sign the petition or learn more, visit www.savethebays.bs.

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Christie not the only one living in fear

Save The Bays members targeted by aggressive and intimidating demonstrations say they too feel under threat, call on prime minister to ensure they also have police protection.

Save The Bays members targeted by aggressive and intimidating demonstrations say they too feel under threat, call on prime minister to ensure they also have police protection.

Save The Bays (STB) was saddened to learn that Prime Minister Perry Christie has become the target of threatening words, messages or actions, to such a degree that he felt obliged to increase his security detail.

The club with all right thinking Bahamians in leading our full support and encouragement to the current leader as he faces this most distressing ordeal as indeed which no doubt caused him to fear for his own safety, as well as that of his family. We also denounce in the strongest possible terms anyone who would resort to such unbecoming and unwelcome tactics.

Having said that, STB must point out that Prime Minister Christie is not the only individual in The Bahamas being threatened and intimidated. There are many who are being targeted for their role in the development of the island.



Assemblyman Fred Smith (left) and Save The Bays members Fred Smith, QC, and others with aggressive, intimidating messages during the January 1, 2015 Jericho Parade on Bay Street.

the past several months, STB members Fred Smith, QC, Leah Bacon, Diane Phillips, Joseph Daville,

and Reverend CB Moss, of The Christian To Save Children have been targeted and put in fear by a series of increasingly hostile and aggressive public demonstrations.

The prime minister, we know (and what is it like to live under a cloud of fear and uncertainty, by dread hearing that a friend one has been attacked or harmed because of their connection to us. We too know what it feels like to be targeted for doing work we believe in for the betterment of our country.

Unlike the prime minister however, we do not have the luxury of being able to call upon the police to ensure our safety. In fact, STB has been experiencing a broken intimidation tactic aimed against our members since July of last year, however no one in law enforcement has stepped forward to offer any assistance.

The first aggressive attack came in the form of a "No Police bylaws" march through the streets of Nassau, which STB, who's helped several international philanthropists and STB supporter Leah Bacon and extended church leader Rev. Dr. CB Moss, offering to us as "Trucks" and "Bays" among other things.

SAVE THE BAYS DIRECTORS
Fred Smith, QC
Leah Bacon
Diane Phillips
Joseph Daville
Reverend CB Moss
Fred Smith, QC
Leah Bacon
Diane Phillips
Joseph Daville
Reverend CB Moss

“Like the prime minister, we know firsthand what it is like to live under a cloud of fear and uncertainty, to dread hearing that a loved one has been attacked or harmed because of their connection to us.”

- Fred Smith, QC, Chairman of Save The Bays

A July 2014 march in which respected church leader Rev. CB Moss and others were targeted.

On that day targets included STB director

The "Pre-Hyacinth" march in July 2014. Men wearing "Toni Myyard Gay" shirts attacked Rev. Dr. CB Moss, Fred Smith and Leah Bacon, calling them among other things, terrorists.



Joseph Daville, a universally respected veteran educator, who served as principal of a Catholic High School in Grand Bahama for 22 years. Newly appointed director Diane Phillips was also targeted and made to feel threatened.

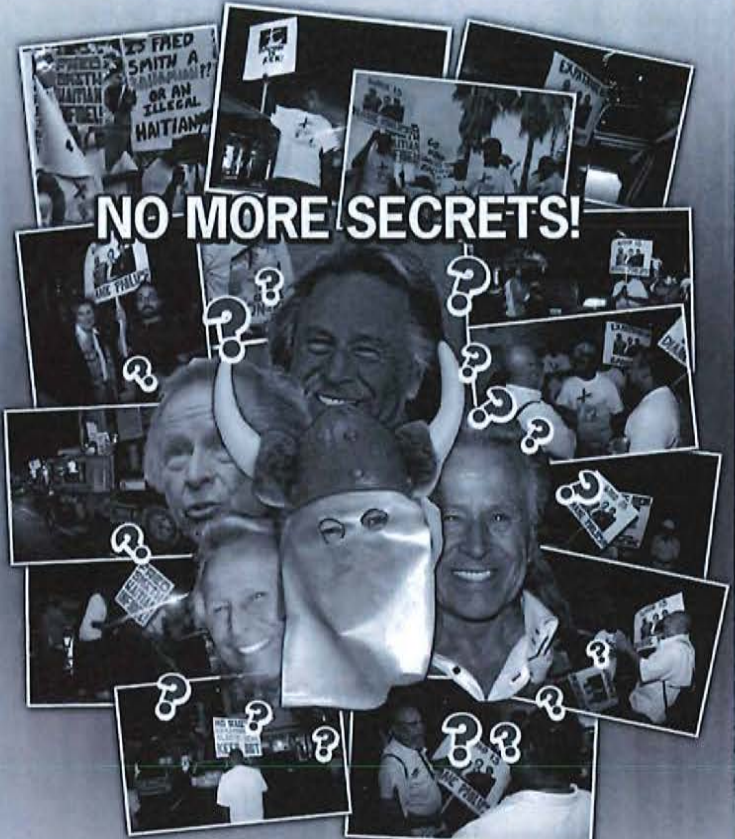
The episode was repeated during New Year's Day Junkanoo Parades, where the shameless donning of white hoods and brandishing of burning crosses - the symbols of violence and oppression - were allowed to tarnish the country's national cultural celebrations. Both the Junkanoo Commission of New Providence and Culture Minister David Johnson promised to investigate, but seem not to have followed through.

Meanwhile, our members continue to live in fear. The intent of these reprehensible displays was clearly to denigrate and strike fear into the hearts of those advocating for greater individual rights, government transparency and respect for the rule of law. We urge the prime minister to let such heinous behavior go unrecorded and unreported.

Above all, we urge him to intervene immediately to ensure that our members enjoy the same level of safety, security and peace of mind that he, his colleagues in Parliament, and indeed any other member of the society deserves to enjoy.

Save The Bays Press Liaison Pione Hunter taking signs targeted at STB members.

The "Pre-Hyacinth" march in July 2014. Men wearing "Toni Myyard Gay" shirts attacked Rev. Dr. CB Moss, Fred Smith and Leah Bacon, calling them among other things, terrorists.



Who's behind the Ku Klux Klan in The Bahamas?

Founded less than two years ago, Save The Bays began as a grassroots effort to protect ecologically significant areas of The Bahamas from unregulated development. It has grown into a broad-based coalition calling for comprehensive environmental protection, of spill legislation and greater transparency in government. With more than 17,200 followers on Facebook, STB is the fastest growing, most popular non-profit, non-government organization in Bahamas history on social media. The group's petition calling on the government to enact an Environmental Protection Act, a Freedom of Information Act, stop unregulated development and hold to bid pollution, is climbing in numbers, with around 6,400 signatures so far. To get involved, sign the petition or learn more, visit www.savethebays.bs.

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CALLENDERS

Mr. Ellison Greenfield
Commissioner of Police
Royal Bahamas Police Force
East Street, North
Nassau Bahamas

FRM5ppl117410000
5th May 2015

Dear Mr. Greenfield,

We write on behalf of those who were the victims of the Hate Rallies in Nassau, Bahamas, on 16th March 2015. We are writing to you to express our appreciation for the actions taken by the Royal Bahamas Police Force to investigate the perpetrators of the Hate Rallies and to bring the matter to the attention of the public.

On 25th March 2015 (in an article published in the Callenders) and in a subsequent report, some of the victims of the Hate Rallies were named. We are writing to you to express our appreciation for the actions taken by the Royal Bahamas Police Force to investigate the perpetrators of the Hate Rallies and to bring the matter to the attention of the public.

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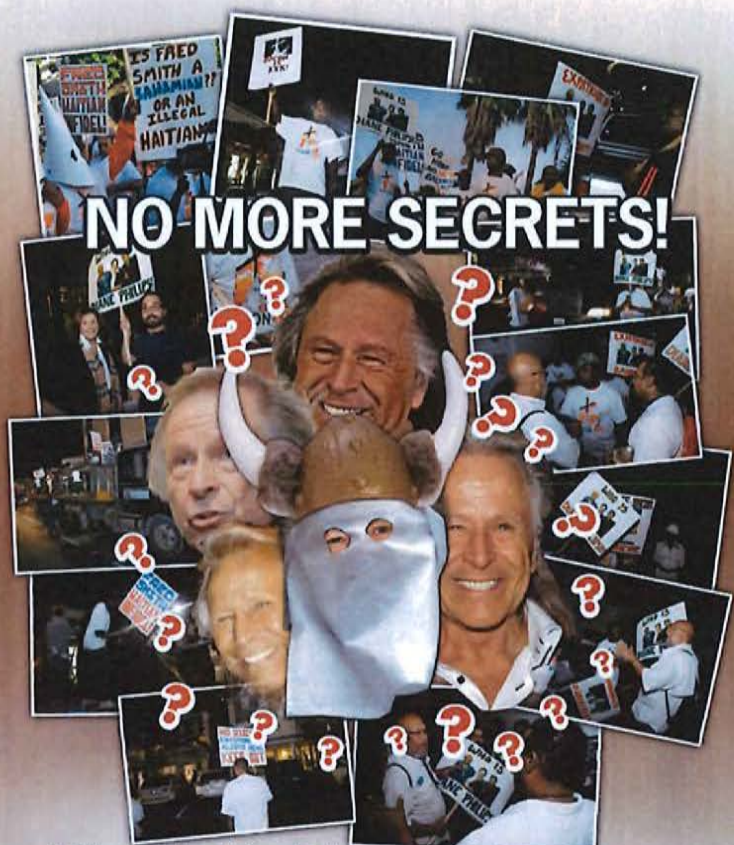
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Who's behind the Ku Klux Klan in The Bahamas?

CALLENDERS & CO
FROENKA & M. SEAK, OC
Encls.

Founded less than five years ago, Save The Bays began as a grassroots effort to protect ecologically significant areas of The Bahamas from unregulated development. It has grown into a broad-based coalition calling for comprehensive environmental protection, of open legislation and greater transparency in government. With more than 17,200 followers on Facebook, STB is the fastest growing, most popular non-profit, non-government organization in Bahamas history on social media. The group's petition calling on the government to enact an Environmental Protection Act, a Freedom of Information Act, stop unregulated development and end oil pollution, is climbing in numbers with around 6,400 signatures so far. To get involved, sign the petition or learn more, visit www.savethebays.bs.

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FRMS97E1174L3800
5th May 2015

Ms. Eileen Green
Deputy Commissioner
Royal Bahamas Police Force
Eva Street, Nassau
Nassau, Bahamas

Dear Ms. Green,

We write to you in response to your letter dated 25th March 2015, in which you requested that we investigate the activities of the Hate Rallies and the individuals who are responsible for the harassment by various public persons of the Victims of the Hate Rallies. We have reviewed the information provided to us and the past 9 months of our investigation into the activities of the Hate Rallies. The Complaint is again endorsed for your review of reference.

On 25th March, 2015 (in or about a month after lodging the Complaint) the Victims of the Hate Rallies met with Acting Deputy Commissioner of Police, Stephen Seymour where they provided him with an oral account of the Hate Rallies and the fear and anxiety they live with as a result of the Hate Rallies. The Victims also requested police investigation and police action. They also asked Acting Deputy Commissioner of Police to keep them abreast of any developments in the investigation.

In response, Acting Deputy Commissioner Seymour undertook to review the Complaint and to conduct an investigation in respect of the same. We endorse a letter dated 24th March, 2015, in which we advised the Victims of the Hate Rallies that we are proceeding in relation to the Complaint.

Consequently, Diane Phillips has attempted to contact the Victims to discuss the investigation against the perpetrators of the Hate Rallies. She has yet to even receive the courtesy of a reply.

Two months have passed since the lodging of the Complaint and we have yet to receive a formal response and/or any indication from you as to whether an investigation has commenced against the perpetrators of the Hate Rallies.

Given the serious nature of the Hate Rallies and the Victims' continued fear and anxiety for their safety, we are concerned and disappointed by our continued lack of response to the Complaint.

Commissioner's undertaking to take action against public verbal abuse

The lack of response to the Complaint is particularly abiding since you have in the past given an undertaking to take action against perpetrators involved in similar matters to that faced by the Victims.

There are a number of reasons why we have not yet received a response from you. One reason is that the Hate Rallies are being investigated. Another reason is that the Hate Rallies are being investigated. Another reason is that the Hate Rallies are being investigated.

Consequently, the Victims of the Hate Rallies are being investigated. Another reason is that the Hate Rallies are being investigated. Another reason is that the Hate Rallies are being investigated.

The Victims again call for an investigation of the Hate Rallies.

There appears to be a growing culture in the Bahamas of justifying violence on those who hold public opinion that may differ from theirs. The Prime Minister has acknowledged this growing culture. As this sort of behavior threatens the safety of the Victims, the Victims need to be seen to view that such behavior will not be accepted in a democracy like ours.

In the circumstances, we again require that you undertake a full investigation of the Hate Rallies and take the appropriate measures against those responsible.

Yours sincerely,
CALLENDERS & CO.
Frederick W. M. Smith, QC
Barrister

Unfortunately, unlike Prime Minister Christie, who has access to continuous protection, the Victims

NO MORE SECRETS!

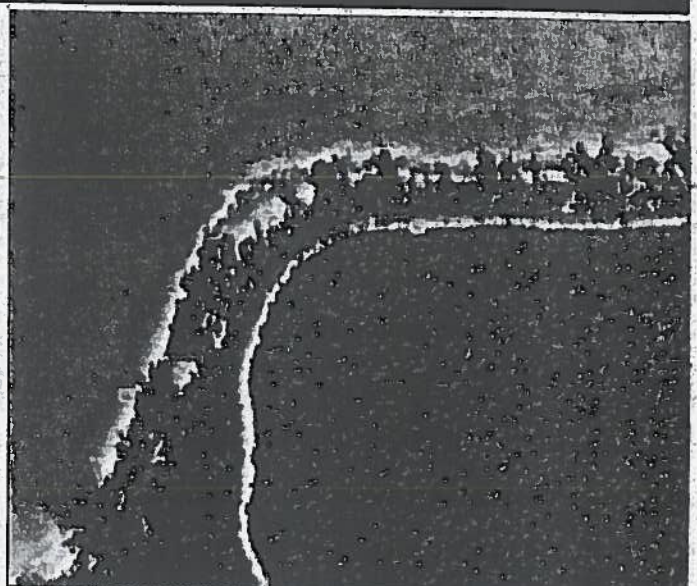
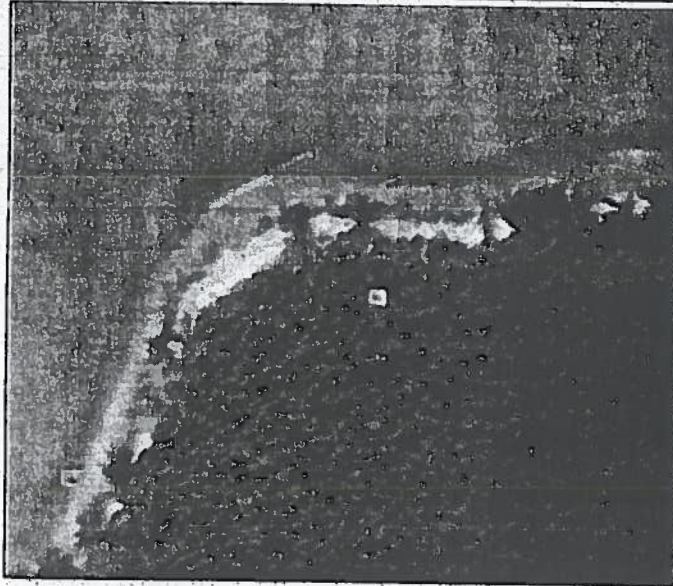


Who's behind the Ku Klux Klan in The Bahamas?



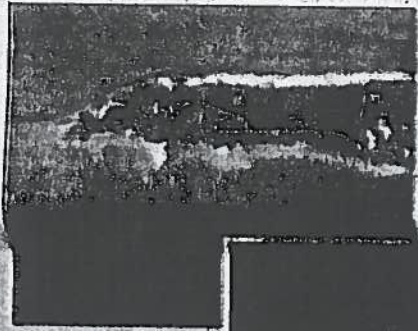
Founded less than two years ago, Save The Bays began as a grassroots effort to protect ecologically significant areas of The Bahamas from unregulated development. It has grown into a broad-based coalition calling for comprehensive environmental protection, of spill legislation and greater transparency in government. With more than 17,200 followers on Facebook, STB is the fastest growing, most popular non-profit, non-government organization in Bahamas history on social media. The group's petition calling on the Environmental Protection Act, a Freedom of Information Act, stop unregulated development and end to oil pollution, is climbing in numbers, with around 6,400 signatures so far. To get involved, sign the petition or learn more, visit www.savethebays.bs.

LOCAL NEWS



CLIFTON POINT, above, pictured both before, left, and after regraded construction works. The first picture was taken in November 2000, while the second was taken in December last year.

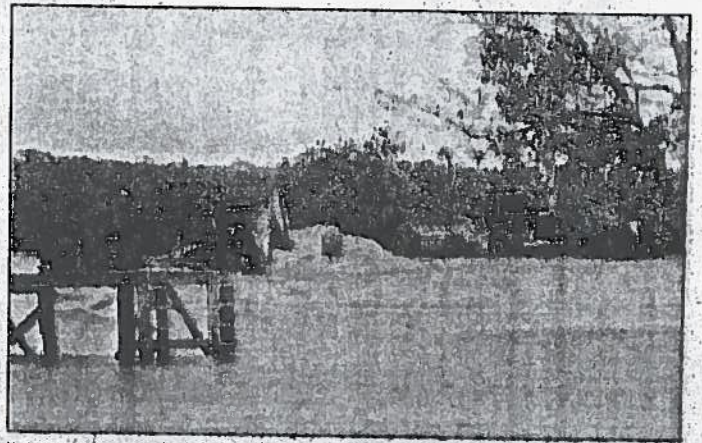
'Who is in charge of Clifton Bay?'



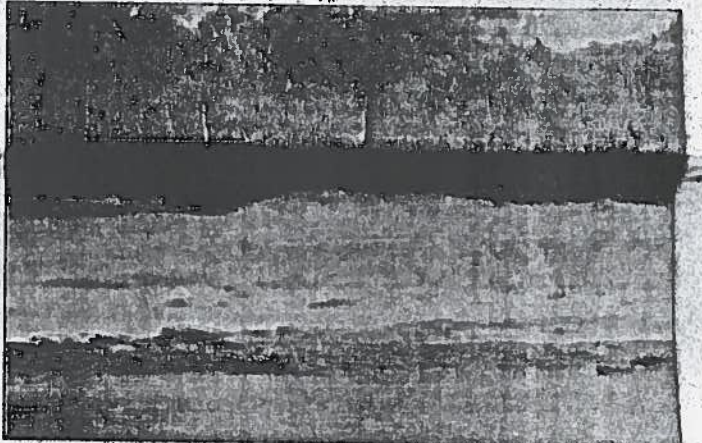
PICTURES showing what campaigners say is the changing shape of the end of the bay. The picture to the left shows the end of the bay in November 2000, while the picture below shows the same location in December last year



Approx. 350 yards



TRACTORS at work on Jaws Beach at the weekend.



PILES of sand left on Jaws Beach, with tractor tyre marks running across the top.

ENVIRONMENTAL activists are demanding to know who is really in charge of Clifton Bay as the publicly-owned area became a construction site - yet again - over the weekend.

The Coalition to Preserve Clifton Bay photographed several tractors shifting and piling sand on Jaws Beach as the old public dock was torn down and construction of a new one progressed.

Pointing out that the vehicles and workers belonged to no government agency, the coalition asked if the Clifton Heritage Authority is prepared to let private citizens do whatever they please on

public land. The group also asked what the Ministry of the Environment is doing, claiming several, ecologically important areas were damaged during the work.

"Who is in lawful control of Jaws Beach?" the coalition asked. "Someone has bulldozed the pond and wetlands behind the beach."

Smith mentioned that the original dock on Jaws Beach was built on sand, which he claimed contributed to its deterioration.

"Who, if anyone, gave permission to build a new dock, take down the old one, move sand, and bulldoze the wetlands?" "This entire episode highlights one of the pivotal issues for the CPCB - unregulated development - it's not just at Nygard Cay, it's anywhere at Clifton Bay."

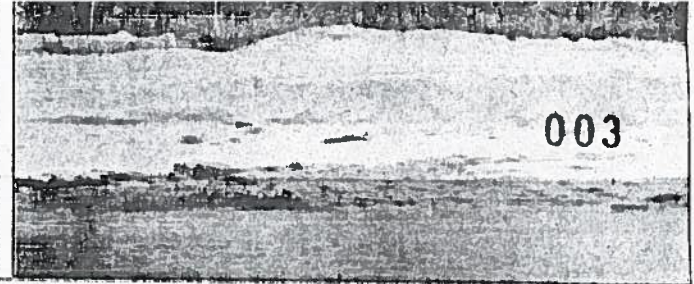
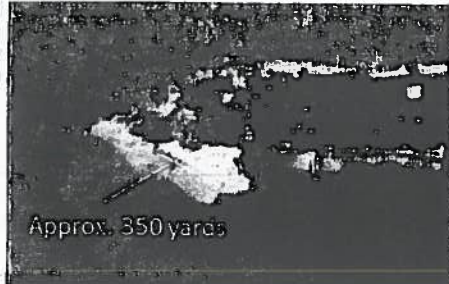
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The coalition has claimed that work carried out at Simons Point/Nygaard Cay, which doubled the size of the area since it was purchased by fashion mogul Peter Nygard

Later, he added: "... engineering of the dock was created more than 30 years ago when they put the piles in there initially. We just repaired it." Asked about permission to hold Sunday's event, Mr Smith said: "Possibly? It comes from the Council."

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003

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They called for the government to step in and protect the delicate, environmentally significant area.

Yesterday, the coalition also questioned whether the weekend construction and beach alteration had anything to do with the Occupy Clifton/Renegotiate event held on Jaws Beach on Sunday.

The event was attended by around 150 people who were bused in on five jitneys.

The coalition questioned whether the Heritage Authority or any other official entity granted permission for the gathering, which included speeches and a junkanoo rush-out, and whether either group was responsible or connected to the construction work.

Messages left for Keod Smith, an organiser for Renegotiate who is also Mr Nygard's attorney, were not returned up to press time last night.

However, while being interviewed at the event, Mr

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"Why is it he didn't do it? - We did it"

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Asked about permission to hold Sunday's event, Mr Smith said: "Permission? It comes from me! It comes from us. This is ours.

"We don't need to ask anybody's permission to do what is ours. You don't have to ask permission to do what is in your yard. This is our yard... I'm not going to ask my government, certainly not going to ask the Clifton Heritage Authority for permission to do anything. They serve the interests of Mr Bacon. They sitting on his coalition and his board. That's where they are. They're not supposed to be. They are in conflict. I called for their resignation.

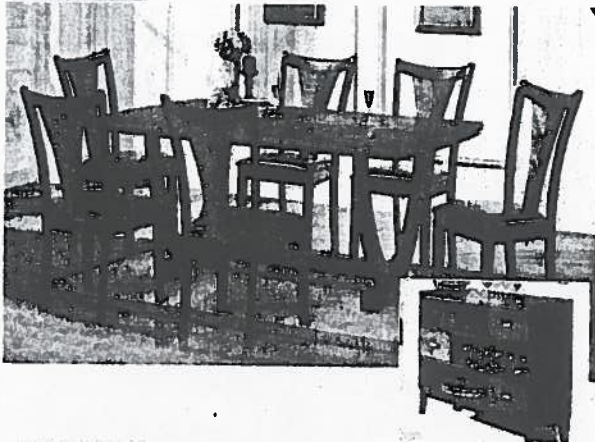
"This week we are going to bring our legal action before the Supreme Court and have them forcibly removed. They have not now moved. This is a game plan: if you don't keep your eyes on the ball, you will lose.

He added: "I'm not asking anyone's permission. From the Prime Minister straight on down. This here is mine, and this is everyone else's in the Bahamas.

"This is ours to have. I need no one's permission for anything."

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'Who Is In Charge Of Clifton Bay?'

As of Tuesday, April 23, 2013

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Comments



[ThisIsOurs 2 years, 10 months ago](#)

I dont understand. If this belongs to all of "us" why wasn't I asked for permission. Aren't we governed by laws anyway? If all of "us" gave permission for an illegal activity shouldn't the attorney general or the police speak out/prevent/discourage it? We're all accountable to somebody, maybe not Mr Bacon and his group, but I don't want the wetlands destroyed either.

BUSINESSES

THE TRIBUNE • SECTION B • business@tribunemedio.net WEDNESDAY, APRIL 17, 2013

NYGARD EYES \$30M STEM CELL FACILITY

- Pledges 'revolutionary treatment facility' at Nygard Cay with up to 125 Bahamian construction jobs
- But location likely to arouse ire of Coalition, Lyford Cay Property Owners Association
- QC warns Gov't over any 'secret' medical facility/Crown Land deal trade-off

By NEIL HARTNELL
Tribune Business Editor
nhartnell@tribunemedio.net

FASHION tycoon Peter Nygard is planning to invest between \$25-\$30 million in constructing a stem cell research-focused medical facility at his Lyford Cay home, Tribune Business can reveal, a project that could employ between 100-125 Bahamians in the construction phase.

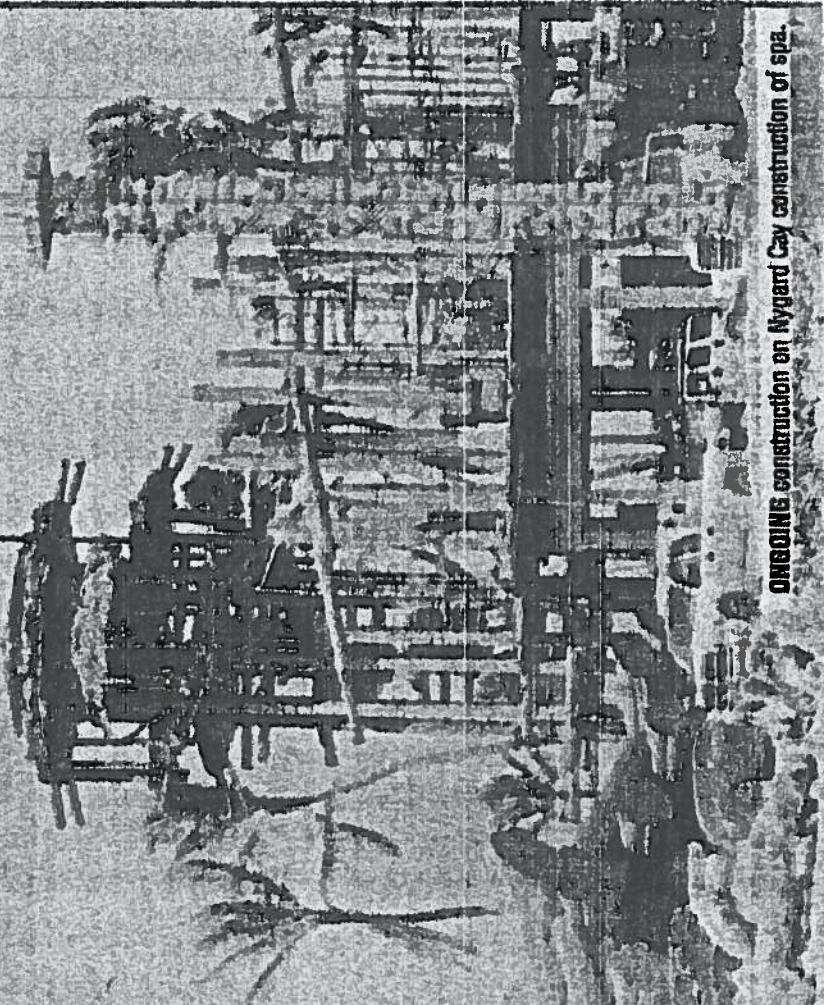
Confidential minutes of a meeting between Mr Nygard and Bahamas Investment Authority (BIA) officials, which have been obtained by this newspaper, detail the Canadian multi-millionaire's

plans to add commercial uses to his Simms Point/Nygard Cay home.

It appears he has already begun to put those plans into action, as recent photographs of Nygard Cay taken by members of the Coalition to Protect Clifton Bay show that construction work has begun on what looks like a spa-type building (see picture here).

But, while Mr Nygard's plans received a big boost last week from the Government's decision to table legislation that aims to provide a regulatory framework for stem cell research in the Bahamas, his

See Pg B4



ONGOING construction on Nygard Cay construction of spa.

NYGARD EYES \$30M STEM CELL FACILITY

From pg B1

activities are again likely to trigger potential conflict with his neighbours.

Lyford Cay is zoned as a residential, not commercial, area, and the medical/stem cell plans are likely to give its Property Association and neighbours - including hedge fund magnate, Louis Bacon, with whom Mr Nygard has been embroiled in an ongoing feud - cause for further unhappiness.

And Fred Smith QC, the Callenders & Co attorney and partner, also made the organisation's concerns plain when contacted about devel-

opments by Tribune Business.

The Coalition is already engaged in a public campaign to pressure the Government to act on its previous demands for Mr Nygard to cease alleged land reclamation activities at his home, and Mr Smith warned the Christie administration not to give the Canadian fashion mogul the Crown Land grant/seabed leases he was seeking as a 'trade off' for the medical facility.

"The Coalition will expose any secret deals about to give Mr Nygard Crown Land or a lease of the seabed," Mr Smith pledged.

"Neither will the Coali-

tion tolerate a manoeuvre by the Government to promote stem cell research and then give Mr Nygard permits for Crown Land and to 'grandfather in' his past and current activities.

"Lyford Cay is a residential neighbourhood, and is not a commercial/medical tourism spot."

The proposed stem cell/medical facility thus appears likely to act as the latest flashpoint in the increasingly public dispute between the Coalition and its members (including Mr Bacon) on one hand, and Mr Nygard and his supporters on the other.

The meeting between Mr Nygard and his team, which included Carlos Mackey and Melissa Hall, and the BIA officials took place on June 19, 2012, just over one month after the general election.

The BIA officials present included Sir Baltron Bethel, described as a 'senior policy

adviser', and then permanent secretary in the Prime Minister's Office, David Davis.

The meeting, according to the report, was held so Mr Nygard could brief the Government on plans to restore the parts of Nygard Cay destroyed by fire, and to "introduce the concept for his proposed Medical Spa Facility which will specialise in stem cell research and treatments".

The report added: "With respect to the overall vision for the proposed project on Nygard Cay, Mr Nygard explained that he intends to invest approximately \$50 million - \$25-\$30 million designated to restore Nygard Cay, and \$25-\$30 million will be invested in building the medical/health spa facility."

The BIA notes said clients for the medical facility/spa would "flow from all over the world".

It added: "The concept is

to introduce anti-aging, age reversing treatments using stem cells. He [Mr Nygard] opined that stem cell treatment could also assist with many incurable diseases...

"Mr Nygard mentioned that his vision would be put together in an environment where the Bahamas can practice the most advanced medicine in the world, and do it within the regulatory lines of the Government."

The BIA report said Mr Nygard promised the facility would host "top doctors" providing treatments not found in the US, once it was licensed.

"Within this facility will be offered stem cell banking and the banking of body tissue for medicine and treatments," the notes added.

"Nygard noted that this facility would combine research and treatment. As a result of the investment, he could provide a revolution-

ary treatment facility... The proposed project will introduce the concept of collecting stem cells and expanding them to replenish and reboot the body a minimum of four times a year."

The BIA report revealed that the stem cell/medical facility would be based "in the same location as Nygard Cay", and that its owner "envisioned the Bahamas would be a magnet for medical tourism".

The Canadian fashion mogul, according to the BIA report, said work permits would be required for Chinese construction workers to build the facility - a requirement that will be interesting going up against the Government's new work permit policy.

Some 100-125 Bahamian construction workers would also be required, the report added.

**SAVE
NYGARD CAY
AND
CLIFTON BAY
FROM**



LOUIS BACON & CB MOSS
WWW.THROWTHEBUMBACONOUT.COM

Filename: March 1, 2016 at 2_29_59 PM
Client: Schillings
Job ID: UK
Date Due: 02/15/2016
Transcribed by TransPerfect

CLEMENT CHEA: Hello?

PERICLES MAILLIS: Yeah, Mr. Chea?

CLEMENT CHEA: Yeah.

PERICLES MAILLIS: Yeah, Pericles Maillis again.

CLEMENT CHEA: Yes sir.

PERICLES MAILLIS: I forgot, I wanted to tell you. If you have anything of the moment of what you're talking about to my secretary, you need to go and see the Commissioner of Police...

CLEMENT CHEA: No, no, no... I - I - I [INDISCERNIBLE - OVERTALKING].

PERICLES MAILLIS: Or the head of police.

CLEMENT CHEA: [INDISCERNIBLE - OVERTALKING] - I didn't your secretary, I was never there. I don't even know what you're talking about. You need to stop calling my phone, ok? I thought I was doing you and your client a favour but that's good.

PERICLES MAILLIS: You go to the Commissioner of Police. Thank you.

CLEMENT CHEA: I [blank audio] talking about sir. Fuck off, I don't know what you saying.

PERICLES MAILLIS: Gotcha! Gotcha!

MALE: Yeah.

PERICLES MAILLIS: Alright, good.

MALE: Okay. That was a set up from day 1.

PERICLES MAILLIS: Set up from day 2.

Filename: March 1, 2016 at 2_32_36 PM
Client: Schillings
Job ID: UK
Date Due: 02/15/2016
Transcribed by TransPerfect

PERICLES MAILLIS: Six, three, one, two, nine. [Phone ringing].

CLEMENT CHEA: Good afternoon, hello?

PERICLES MAILLIS: Hello, is this Mr. Clement Chea?

CLEMENT CHEA: Yes it is.

PERICLES MAILLIS: Alright, Mr. Chea, this is Pericles Maillis.

CLEMENT CHEA: Hey Mr. Mallis, how're you doing sir?

PERICLES MAILLIS: I'm right here. Mr. Chea, I want you to please don't call my office anymore. Don't come here anymore. I don't want to see anybody or talk about any of these things, period. Alright? I don't mean to be rude, but that's it.

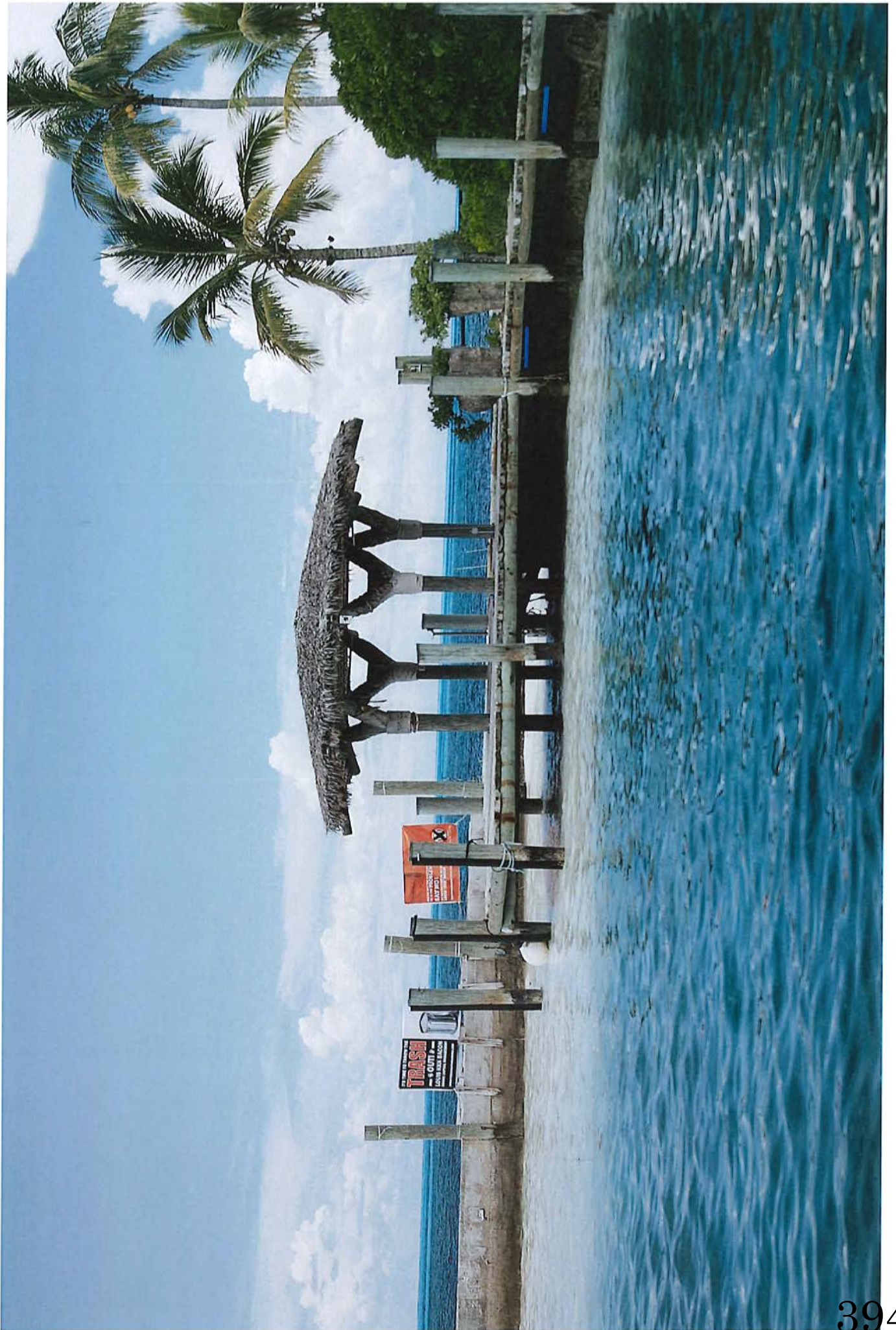
CLEMENT CHEA: No problem.

PERICLES MAILLIS: Alright? I thank you. Alright?

CLEMENT CHEA: No problem.

PERICLES MAILLIS: Thank you. Thank you.







Peter Nygard Meets C.B Moss

29th June, 2013

Peter Nygard- No, no, I just come over here to offer my hand in friendship to C.B Moss. For some reason he's found a cause to be angry at me and to bad mouth me and I want to shake his hand and offer my blessing to him and to see if there's something that we can do to resolve the issues. I have no idea why the man is on my case and so I was hoping to meet him here and to make peace. Unfortunately we don't have...I don't know why we have a war but I only want to find out.

Simeon Hall- This is the kind of thing we want to do. The bible talks about reconciliation - as brothers we are supposed to seek reconciliation with anybody. And so this is a first. Dr. McPhee is to be commended for initiating this right in the heart of all that is happening. And Dr. Moss...everybody has a right to their opinion and how they feel but we're all called to be sons of reconciliation and that's what we're doing today.

McPhee- I want to say this also - as Dr. Hall has stated we want to show to the Bahamian people that The Bahamas is about love and peace. (Interrupted by loud tracker) We moved next to Lyford Cay and Nygard Cay to show to the public that the black Bahamian has a right to be in Lyford Cay, to be able to sit on the beach and to enjoy the grand and majestic quality that God has blessed The Bahamas with. The Bahamas belongs to every Bahamian and we welcome all foreigners to enjoy what God has blessed us with, we are one people, we preach peace and love among the brethren. God bless you.

C.B Moss- Let him come over here, he wants to meet me. (Greets everyone).

Peter Nygard- Hello Moss, Peter Nygard.

C.B Moss- First time meeting you.

Peter Nygard- Yes, yes.

C.B Moss- Good to see you.

Peter Nygard- I've seen you on TV and you haven't been so pleased with me so I came over here to see what I can do.

C.B Moss- It has nothing to do with you.

Peter Nygard- Oh okay.

C.B Moss- It has nothing to do with you, it has to do with the establishment of the Clifton Sea Park. Nothing to do with you, it's not personal.

Peter Nygard- Oh okay it seemed to be personal on television.

C.B Moss- Oh no, it was never personal.

Peter Nygard- I mean I've been here for 40 years and I've tried to do my very, very best to help out The Bahamian people and it feels so.

C.B Moss- I'm not talking about you, I'm talking about the establishment of the park. Now if you happen to be an obstacle of that then you would have to deal with whatever happens, but it has nothing to do with you, excuse me a second (answers cellphone) Excuse me - if you know anything about me and our work, over 14 years ago we started the quest to establish a land and sea park and I will allow nothing to stand in the way of that to the best of my ability. So it has nothing to do with you. Just like 14 years ago it had nothing to do with the then participants.

Peter Nygard- Just that you know 30 years ago I did the very same thing for Stuart Cove I formed coastal watch and....inaudible

C.B Moss- Well, we're not necessarily on opposite sides I don't be against anything, I be for something's and if being for something...

Peter Nygard- With all due respect how is it possible that you can come up with a scenario to say that that beautiful Nygard Cay that's been here for 40 years has anything to do with destroying any of that area?

C.B Moss- Let me say it has nothing to do with Nygard Cay, our information is that the work that was done there, the accretion of the land has altered the coastline and it is adversely affecting the area.

Peter Nygard- But sir, zero proof for that, zero. Now this has been in place for 40 years, 30 years, 20 years and this has nothing to do with it. This survey after survey that has nothing to do with it. In fact now I have to give another survey

C.B Moss- I'm only saying what the government is saying.

Peter Nygard- The government didn't say that.

C.B Moss- Yes, the government said that, now the government said that. I am not a scientist but the government of The Bahamas has said that the work was done illegally; the government has said that it has had an adverse effect. Now I'm just quoting the government.

Simeon Hall- Well what we don't want to do...

Peter Nygard- No, no, no, he's talking about the other government, he's talking about the previous government that my neighbor bought off to say exactly. So we're talking about two separate issues completely. The government before that, Perry Christie did not say that, and the government this time is not saying that, nor did any surveyors report say that.

C.B Moss- If our coalition could satisfy that what we believe is not I'll have nothing to say.

Simeon Hall- Dr. Moss has been...this is the beginning of a dialogue.

Peter Nygard- So at the beginning of the dialogue we have these huge oil spills over there and we're focusing on Nygard Cay, my goodness.

C.B Moss- Let me add something, I'm opposed to the oil spill and all the other things but it is also about the disposition of Crown Land. That land is Crown Land, a land that has been accreted is Crown Land and we are saying that there are hundreds of Bahamians who over the years have applied to the government for the use of Crown Land. Some of them have not even heard from them and I have a personal objection to anyone being able to acquire such large pieces of Crown Land when there are hundreds of Bahamians who can't get land.

Peter Nygard- You realize that your beloved friend Louis Bacon...

C.B Moss- No, no, let me correct you, I've never met him, I do not know him, and he's not my friend! We just happen to perhaps be on the same side. I've been on the same side as the devil, when the devil said to Jesus thou art the Christ; we were on the same side. So I will be on the same side with anybody but he's not my friend.

Peter Nygard- Well there's a lot of people behind us who insist that there's a very dear friendship there but if you....

C.B Moss- Let the people who say there's a friendship establish it.

Peter Nygard- Let me finish, I heard you, now let me finish. So if I use the word friend mistakenly, fine you corrected that.

C.B Moss- Good, now I'm listening.

Peter Nygard- My next door neighbour, do you realize that he's been trying to drive me out of my beloved place now for 10 years? Do you realize that he's built his buildings over my space? Do you realize that he's put huge speakers the size of these buildings to try to blast me out of that place?

C.B Moss- I've heard as much but the truth of the matter is I have little concern about...Let me be honest with you in my neck of the woods if you see where we are, you see where we are here...

Peter Nygard- That's why I came here.

C.B Moss- No listen, what goes on behind the gates of Lyford Cay really does not occupy any major concern to me, it really doesn't. I've heard the stories over the years about the conflict between yourself and your neighbour. I don't care, I'll be honest with you, and I don't care. The only thing I am concerned about is what is going to adversely affect small people of this country. Anybody who does that I will have to get involved, that's all. I have no interest really; I believe you and your neighbour have the resources to fight whatever battles you'll have to fight through the courts or wherever. And you know what my position is? If the courts cannot satisfy you both then perhaps you both should get on a park and duke it out among yourselves. All I am saying is, anything that's going to rob the Bahamian people the right to enjoy the patrimony of this country, I'm opposed.

Peter Nygard- Well I have a lot of problem with that statement, that that presumably applies to me, I take that personal. I have been dedicated to this country more than any single person in this whole country, there's testimonial after testimonial, exactly the opposite, I've invited all the people of The Bahamas, all the people from this town into my place. And you know what, I've been crucified by my next door neighbour for doing that...

C.B Moss- Take it to court.

Peter Nygard- ...doing that very same thing and I have taken him criminally to court and when I took him criminally to court he paid off the attorney general, *the previous -is what I heard* (not clear, mostly inaudible). He paid off and withdrew my *colossal?* (inaudible) and I will now have to reintroduce that criminally, that is criminal charges, now but you're making as if I am holding back benefits of Bahamian people.

C.B Moss- Yeah but Nygard....

Peter Nygard- You just finished telling me...

C.B Moss- I said anybody...

Peter Nygard- Alright you just applied that to be me.

C.B Moss- No, no, no...

Peter Nygard- Alright, so this is established that we're on the same side when it comes to that?

C.B Moss- There's no problem.

Peter Nygard- Okay did you know Mr. Louis Bacon dug up the entire sea bed beside me? Totally absolutely. He did exactly what you're blaming me or you're claiming to say that I did, he did that illegally on the record. That twice the size the marinas, the seabed twice as deep illegally. Did you know that he put a berm on the other side illegally?

C.B Moss- No I do not, but let me put it this way if he did that then the authority should deal with him forcefully.

Simmeon Hall- We are not going to advance our cause by this today. This is an introduction and I'm glad it happened.

Peter Nygard- I needed to have the opportunity to set the record straight because on TV he's bad mouthing me personally.

C.B. Moss- Who bad mouthing you?

Peter Nygard- You.

C.B Moss- No, no you know what you are saying? You are saying bad mouth you but that's not true you know, everything I said I prefaced it by saying the government said. Now if it's anybody bad mouth you, it's the government. I'm only quoting them. There might be an error but I'm only quoting them.

Peter Nygard- Well I would like to invite Mr. Moss to come and see for himself, you get the other kind of presentation from that information. It is not that one sided government at all.

C.B Moss- Listen, I am prepared to talk to anybody...

Peter Nygard- So please come over.

C.B Moss- ...at any time.

Peter Nygard- I'm here to invite you to come over and talk about it and as you said duke it out.

C.B Moss- No not me.

Peter Nygard- I'll duke it out with Louis Bacon.

C.B Moss- That's okay with me I don't mind or anybody else.

Peter Nygard- I invited him to come on TV with me and to talk about it any single time and I would also like to be able to explain to you all of the things that you're saying in there...

C.B Moss- I will go with you on TV or anyone else on TV to discuss the Clifton thing.