



GOVERNMENT OF BERMUDA  
Ministry of Legal Affairs & Constitutional Reform

**Department of Public Prosecutions**

8<sup>th</sup> March 2023

Magistrates Court  
Attn: A/Senior Magistrate

Dear Sir,

**Re: Monk v. Simons 23CR00058**

It has come to my attention that a private prosecution has been commenced by Mr. Mark Monk, naming Darrin E. Simons as the defendant. The relevant JEMS number is 23CR00058, and the information was sworn before the A/Senior Magistrate Wor. T. Chin on the 1<sup>st</sup> March 2023. On that date, the A/Senior Magistrate also issued a summons for Darrin E. Simons to attend Plea Court on the 15<sup>th</sup> March 2023, to answer to the charges specified in the Summons and to be further dealt with according to law.

The prosecution in this matter has therefore commenced on the 1<sup>st</sup> March 2023, upon the swearing of Information 23CR00058.

Please be advised, that as The Director of Public Prosecutions, in respect of the criminal proceedings on information 23CR00058 I consider it desirable to exercise my powers under section 71(2)(b) as read with section 71A(b) of the Bermuda Constitution Order 1968.

I therefore now exercise that power to take over the said criminal proceedings on information 23CR00058 that have been instituted or undertaken by Mark Monk.

Upon reviewing information 23CR00058, I note that the allegations in what purports to be Count two, is not an offence known to law as drafted.

There has been a previous decision to refuse to institute a public prosecution based on this complaint. Mr. Monk was so informed of the reasons for refusal on the 9<sup>th</sup> February 2023. I am therefore of the opinion that the institution of this criminal proceeding on information 23CR00058 is unfounded, frivolous and made from an improper motive.

Please be advised, that as The Director of Public Prosecutions, in respect of the criminal proceedings on information 23CR00058, I also consider it desirable to exercise my powers under section 71(2)(c) as read with section 71A(b) of the Bermuda Constitution Order 1968.

I therefore now exercise that power to discontinue the said criminal proceedings on information 23CR00058 that have been instituted or undertaken by Mark Monk on the 1<sup>st</sup>

March 2023. Please be reminded that the proceedings can be discontinued at any stage before judgment is given.

Therefore, please find enclosed a Nolle Prosequi signed this day under my hand, thereby discontinuing all criminal proceedings in relation to information 23CR00058. Please note that the Summons issued by this Honourable Court is now void and without legal effect, as there are no longer any active proceedings before the Court in relation to information 23CR00058, and any scheduled hearing should be vacated.

Yours faithfully,



Cindy E. Clarke, BA, LLB, MCMI  
Director of Public Prosecutions

CC: Mr. Mark Monk  
CC: Mr. Darrin Simons  
CC: Inspector Court Liaison Unit

BERMUDA)  
ISLANDS )

IN THE MAGISTRATES' COURT OF BERMUDA  
CASE 23CR00058

MARK MONK  
-v-  
DARRIN E SIMONS

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**NOLLE PROSEQUI**

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I, Cindy E. Clarke, Director of Public Prosecutions for Bermuda, hereby give notice that the Crown is discontinuing the private prosecution and will not presently proceed further against **DARRIN E. SIMONS**, upon Information No.23CR00058, sworn before this Honourable Court on the 1st day of March 2023, and alleging in the following counts that he, the said

**DARRIN E. SIMONS**

**COUNT ONE**

**Between the 10<sup>th</sup> September 2020 and the 17<sup>th</sup> day of May 2022, in Pembroke Parish, as a public officer, without lawful excuse you omitted and or refused to perform your duty**

**COUNT TWO**

**Between the 10<sup>th</sup> of September 2020 and the 17<sup>th</sup> day of May 2022, did pervert the course of justice, namely that you deliberately refused to perform your role as the delegated appropriate authority for misconduct in the Bermuda Police Service and as the commissioner rank in charge of the professional standards department by refusing to do an assessment of conduct on a complaint made about Special Constable Gillian Murray and refused to appoint an investigator to investigate the matter, You did so to ensure that Special Constable Gillian Murray could avoid answering to the misconduct complaint and in doing so Special Constable Murray was able to avoid being held accountable by Police Conduct Orders. *(sic)***

Dated this 8<sup>th</sup> day of March 2023



**Cindy E. Clarke**  
Director of Public Prosecutions

**TO: The Worshipful Senior Magistrate**  
**AND TO: Mark Monk**  
**AND TO: Darrin E. Simons**