



Judiciary of Bermuda
The Hon. Mr. Justice Juan P. Wolffe,
Supervising Judge of the Criminal Division of the Supreme Court

PRESS STATEMENT

Supreme Court Criminal Matters
26 February 2026

This Press Statement is in response to queries raised by Royal Gazette reporter Sam Strangeways in an email to the Supreme Court of Bermuda dated 26 February 2026 at 10:13am. **The Supreme Court of Bermuda (Criminal Division) strongly requests that this Press Statement be published in its entirety so that its answer to the said email is not misconstrued.**

“It appears that the Royal Gazette are still perpetuating a misunderstanding which it espoused in an article published in the Royal Gazette on the 6th June 2025 and entitled “Substantial backlog of criminal cases at Supreme Court”; in an article published a year later on the 5th January 2026 and which is entitled “June 2025: Backlogged court cases grow whiskers”; and, in an article published on the 11th June 2025 and entitled “Court backlog issues mostly ‘beyond control’ of judges”. In each of these articles, and then in an email to the Supreme Court dated 26 February 2026 at 10.13am, the Royal Gazette has erroneously classified all Indictments filed in the Supreme Court, including newly laid Indictments, as constituting a backlog. By this logic there will always be a backlog of cases.

In a Media Statement dated the 9th June 2025 the Supreme Court of Bermuda comprehensively responded to queries from the Royal Gazette about any backlog which may have existed at the material time. Yet, the Royal Gazette did not publish the said Media Statement in its entirety in the above-referenced article entitled “Court backlog issues mostly ‘beyond control’ of judges”. In that Media Statement the Supreme Court, *inter alia*, stated the following:

“In our view, only the matters from 2021, 2022, and 2023 can be said to comprise a backlog i.e. 15 matters. The matters for 2024, and especially the 2025 matters, are progressing through the statutorily mandated case management process and in multiple instances various pre-trial applications are being made which have slowed their advancement to trial.

Active case management involves ensuring that all disclosure has been made by the Prosecution, the setting of pre-trial applications (such as disclosure, section 31, stay applications, exclusion of evidence applications, public interest immunity applications, bail applications etc.), the filing of Defence Statements, the scheduling of the trials, and “readiness for trial” hearings. The setting of the pre-trial applications and the setting of

trial dates are contingent upon the availability of prosecution and defence counsel and witnesses (for the prosecution and defence (including overseas and expert witnesses), and whether the defendant has legal representation (a few have been denied legal aid).”

Following on from this, the current 2025 Bermuda Judiciary Annual Report (the “2025 Report”) indicates that of those 15 matters which existed in 2021, 2022, and 2023 that 9 of them are outstanding. However, all of them are either at various stages of the active case management process set out above and/or have trial dates fixed (in a couple of matters trials were commenced but for various reasons re-trials have been ordered).

We once again reiterate our position that only the matters from 2021, 2022, and 2023 constitute a backlog. Therefore, matters from 2024 and 2025, and those which commenced in 2026, do not comprise a backlog as they are reasonably progressing through the statutorily mandated case management process (which includes various complex pre-trial applications being made by the Prosecution and the Defence). It should be noted though that the Court will prioritize the following: matters which pre-date 2024; where the accused person is remanded in custody; where multiple co-defendants are involved; and, matters which can be resolved within a short period of time (i.e. no longer than 5 to 7 working days).

It should also be noted, that none of the matters currently before the Court are not being actively managed through the case management process. In all instances, defendants are required to appear in Court on a regular basis so that they may be informed about the progress of their matter towards an eventual trial. In other words, no defendants have been left languishing in the system. In this regard, we invite Sam Strangeways, the author of the above-referenced articles, to attend the monthly Arraignment Session (held on or about the 1st day of each month) or Case Management Court (which is held twice per month) wherein she may observe first-hand the flow of matters through the Courts, and, to have an informed appreciation for the plenitude of legal and procedural issues which the Court is called upon to resolve before a matter can be fixed for trial.

Finally, we wish to say that the incorrect reporting diminishes the efforts of all stakeholders in the criminal justice system who have been working assiduously over the past 3 years to ensure that trials are heard within a reasonable period of time. Specifically, the Justices and Acting Justices of the Criminal Division, the Department of Public Prosecutions, the Criminal Defence Bar, the Legal Aid Office, the Bermuda Police Service, the Department of Corrections, the Department of Court Services, and last but certainly not least, the Staff of the Criminal Division of the Supreme Court.”

End of Press Statement