

Statement of Cindy Clarke, Director of Public Prosecutions, January 20, 2026

“The Department of Public Prosecutions has considered correspondence recently circulated to the media concerning the review into convictions in which DNA evidence was provided by Ms. Candy Zuleger of Trinity DNA Solutions.

The existence, scope, methodology, and outcome of the review were previously made public through press statements issued by this Department. The methodology employed was disclosed, and the review was conducted independently, carefully, and in accordance with my prosecutorial discretion as DPP, as recognised by the Judicial Committee of the Privy Council in *Julian Washington v The King*.

As has previously been explained in open court, the Department commissioned an independent forensic review to assist me in determining whether any issues identified in relation to DNA evidence might have implications for past convictions. The review was undertaken to inform prosecutorial decision-making and to ensure that we are properly equipped to discharge our constitutional responsibilities.

There is much reliance placed by the correspondents on observations made by the Judicial Committee of the Privy Council in *Julian Washington v The King*. The Privy Council made clear that decisions as to whether a review should be undertaken, the scope of any such review, and the manner in which it is conducted are matters falling within my discretion as the Director of Public Prosecutions. I have exercised that discretion independently and in good faith, having regard to the complexity of the issues involved, the volume of material under consideration, and the need to ensure fairness, accuracy, and procedural propriety.

It is also relevant that, in *Kofi Dill v R*, the Court of Appeal carefully considered concerns raised in relation to DNA evidence and concluded that the conviction in that case was safe notwithstanding those concerns. That judgment underscores that the existence of issues or questions relating to forensic evidence does not, of itself, render a conviction unsafe, and that each case must be assessed on its own facts and legal merits.

In relation to the correspondence from Westgate, each of the fourteen incarcerated individuals were contacted via the Westgate Correctional Facility in response to their correspondence.

In addition, two of those individuals had been in prior correspondence with me and had already received detailed, case-specific explanations addressing the nature of the DNA evidence relied upon at trial and the reasons why their convictions were considered safe. Those two individuals were also provided with a further copy of the DNA evidence relevant to their cases.

All fourteen individuals were originally provided with the DNA evidence in their respective cases during the course of their trials. Nevertheless, in the interests of transparency and fairness, I undertook to provide an additional copy of the DNA evidence relative to each of the remaining twelve individuals who had not previously received a second copy.

The Department of Public Prosecutions recognise the seriousness of the matters raised and the importance of maintaining public confidence in the administration of justice. Where we conclude that further action, disclosure, or communication is necessary in any individual case, this will be undertaken through appropriate legal channels. It would be inappropriate to seek to resolve or litigate such matters through public correspondence or the media.

I remain committed to acting independently, fairly, and responsibly, and to taking all necessary steps where a conviction is shown to be unsafe. I and this Department will continue to take all appropriate steps to ensure the integrity of convictions and the proper administration of justice in Bermuda.”