



In The Supreme Court of Bermuda

CRIMINAL JURISDICTION

Case No. 19 of 2024

BETWEEN:

THE KING

and

LUCA BANDEIRA

Before: The Hon. Mr. Justice Juan P. Wolffe, Puisne Judge

Appearances: Ms. Paula Tyndale
The Defendant unrepresented¹

Date of Hearing: 3rd November 2025
Date of Ruling: 1st December 2025
Date of Reasons: 5th February 2026

RULING

Deprivation Order (pursuant to section 70IA of the Criminal Code Act 1907) – Meaning of “tainted property” – Forfeiture Order (pursuant to section 48A of the Proceeds of Crime Act 1997

¹ The Defendant was represented by attorney Ms. Victoria Greening at his sentencing hearing, however just prior to the substantive hearing of the Prosecution's applications for a Deprivation Order and a Forfeiture Order (which took place on dates after the Defendant was sentenced) Ms. Greening informed the Court that the Defendant's legal aid certificate did not extend beyond his sentencing. Further, that the Legal Aid Office denied the Defendant funding for the said applications. I should note that Ms. Greening did assist the Defendant as *amicus curiae* in the hearings leading up to the substantive hearings and for that the Court is appreciative.

WOLFFE J.:

1. On the 29th November 2024 the Defendant pleaded guilty to five (5) offences on the Indictment dated 21st August 2024:

- (i) Money Laundering, contrary to section 45(1)(c) of the Proceeds of Crime Act 1997 (the “POCA”)(Count 3);
- (ii) Possession of Machines Designed or Adapted to Falsify Instruments, contrary to section 373(3) of the Criminal Code Act 1907 (the “Criminal Code”)(Counts 4 and 5);
- (iii) Attempt to Obtain Property by Deception, contrary to section 32 of the Criminal Code (Count 6); and,
- (iv) Obtaining Property by Deception, contrary to section 345 of the Criminal Code (Count 7).

2. Subsequently, on the 22nd May 2025 I sentenced the Defendant as follows:

- (i) Count 3 – **3 years’ imprisonment**
- (ii) Counts 4, 5, 6, and 7 – **3 years’ imprisonment**

All sentences are to run concurrently.

3. During the sentencing hearing Ms. Paula Tyndale, on behalf of the Prosecution, indicated that she will be seeking for the Court to make (a) a Deprivation Order pursuant to section 70IA of the Criminal Code, and (b) a Forfeiture Order pursuant to section 48A of the POCA. To this end, on the 30th September 2025 Ms. Tyndale swore an affidavit in support of the applications for a Deprivation Order and a Forfeiture Order and attached thereto were several exhibits.

4. After having heard the parties on the 3rd November 2025, on the 1st December 2025 I acceded to the Prosecution's applications and I made both a Deprivation Order and a Forfeiture Order. Set out herein are my reasons for doing so.

Summary of the Facts

5. The Defendant is a 22 year old Brazilian national who at the material time of the offences was visiting Bermuda.

6. On the 24th June 2024 HSBC ATM security staff, via CCTV, observed an unknown man spending an unusual amount of time at the Lindos Family Foods ATM ("automatic teller machine") in Warwick Parish. In particular, the man was attempting to use several different cards in the machines, one of which was a Dunkin Donuts card. It also appeared that the man was using a cellphone seemingly to retrieve information to assist with the numerous transactions. In turn, the HSBC security staff contacted the Bermuda Police Service ("BPS") and gave them a description of the man and a rental cycle on which the man was sitting. After making inquiries with the rental cycle company the BPS received information that the same man was at another ATM at Rural Hill Plaza in Paget Parish (one parish over from Warwick Parish). Police officers attended Rural Hill Plaza and upon their arrival they saw the said man who fit the description given to them. That man turned out to be the Defendant and he was arrested for the suspicion of committing offences. A search of the Defendant's person revealed that he had various differently labelled gifts cards in his possession as well as four (4) HSBC receipts each totaling \$1,000 for ATM withdrawals.

7. The Defendant was conveyed to the Hamilton Police Station ("HPS") and further items were seized, such as:

- A black iPhone 15 in a clear case
- Four (4) Dunkin' Donuts gift cards; Two (2) gold AMEX cards; Two (2) plastic \$50 gift cards; Three (3) "Vanilla" gift cards, and One (1) "Itau debito" debit card.
- Fourteen (14) USD \$20 bills; eight (8) USD \$10 bills; five (5) BMD \$2 bills; two (2) 25 cent coins, and six (6) 5 cent coins.

8. Police officers then attended an “AirBnb” residence located at #7 Mangrove Bay in Sandy’s Parish where the Defendant was staying and thereupon they seized the following items:

- \$66,080 BMD cash
- One (1) black Samsung cellphone
- One (1) black and silver “MSRX6” card reader Serial No F1220301671
- One (1) white plastic card with a magnetic strip and gold chip, with handwritten number ‘2315’ in the top left corner
- One (1) white mini disc in a white envelope
- One (1) black “Playstation” USB stick Serial No. G129001010291705
- One (1) crumpled HSBC ATM receipt dated 24th June 2024 at 1430hrs, card ending *5476
- One (1) white “Playstation 5” Disc Edition
- One (1) Oleander Cycles Ltd. Invoice #RA337966 in the name of Luca G. Bandeira
- One (1) black and silver “DEFTUN” card reader serial #E12309180812
- Eight (8) various plastic cards
- One (1) HID OMNIKEY card reader with attached USB cable
- One (1) silver Rolex Oyster Perpetual Date Just Watch, model no. 16030, Serial No. 5712384
- One (1) HID OMNIKEY card reader with cable serial no. MSIP-REM-JQ6-OK3021
- One (1) Republica Federativa Do Brasil passport# FX136258 in the name of Luca Gabriel Bessa Bandeira
- Three (3) white plastic cards with magnetic strips and gold chips
- One (1) black card reader with attached USB power cord

9. An examination of the iPhone 15 revealed that between 22nd and 24th June 2024 there were conversations and interactions between the Defendant and an unidentified male which included information about ATM locations in Bermuda, photos of gift cards, a card reader, and a black pouch. All of which resembled the aforementioned items which had been seized by police. There were also: files containing bank card information of

unknown individuals; photos of Bank of NT Butterfield ATM receipts; and, on the phone was the installation of the “EasyMSR” application which is used to read data from magnetic stripe cards or write/copy data onto magnetic stripe cards.

10. Pending further inquiries, the Defendant was placed on police bail. At the time of bail the Defendant gave his address as #59 North Shore Road, Pembroke Parish).
11. On the 8th July 2024 police officers of the Financial Crime Unit of the BPS received a report from the founder of the company “Pronto/Sargasso” (“Pronto”) which is an online food and delivery service (including the delivery of grocery items). It was reported that between the 1st and 7th July 2024 they received significant volumes of orders for alcohol, cigarettes and various food items from different customers’ names but at the same address (#7 North Shore Road, Pembroke Parish). The frequency and timing of the orders raised suspicions, and these suspicions were brought to the attention of the police. A customer service representative of the company initiated a conversation with the order customer and asked them to provide a photo ID and a photo of the credit card for ordering purposes. The information provided matched the description of the Defendant.
12. As a result of information received the police, with a warrant in hand, attended #50 North Shore Road where they observed the Defendant in a bedroom. He was eventually arrested on suspicion of obtaining property by deception and a search of his premises yielded the following items:
 - One (1) dark-colored Samsung phone
 - One (1) Bank of America credit card under the name “Luca Gabriel Bessa”
 - Two (2) cartons of cigarettes
 - One (1) NYS Life phone charger
 - One (1) white suitcase located in the kitchen area
 - One (1) box for a white Samsung Galaxy A25 5G cell phone
 - Two (2) Digicel receipts dated 27th June 2024
 - One (1) pack of rolling papers found in a red Puma duffle bag in the kitchen area
 - One (1) black suitcase
 - One (1) Samsonite back suitcase

- One (1) red Puma duffle bag
- One (1) white 'it' suitcase
- One (1) Digicel SIM card holder discovered in a red Digicel bag on the kitchen floor
- A handwritten note with the text "#50 Northshore Road, Pembroke HM07" and other annotations

13. The Defendant was once again conveyed to the HPS. A couple of days later the police received ticket orders and receipts from the Defendant's online orders, a printout from the Pronto app of chats between the Defendant and staff (including photos), and an aggregated list of orders made by the Defendant.

The Law

14. Section 70IA of the Criminal Code provides that:

"Deprivation Orders"

70IA (1) Where, upon application by the Director of Public Prosecutions, the court that heard the criminal case, is satisfied that property is tainted property in respect of an offence of which a person has been convicted, the court may order that the specified property be deprived from the convicted person.

(2) In determining whether property is tainted property the court may infer, in the absence of evidence to the contrary, that the property was used in or in connection with the commission of an offence if it was in the person's possession at the time of, or immediately after the commission of the offence for which the person was convicted.

(3) In considering whether a deprivation order should be made under subsection (1), the court shall have regard to—

- (a) the rights and interests, if any, of third parties in the property;*
- (b) the gravity of the offence concerned;*
- (c) any hardship that may reasonably be expected to be caused to any person by the operation of the order; and*
- (d) the use that is ordinarily made of the property, or the use to which the property was intended to be put.*

(4) An order under this section shall operate to deprive the offender of his rights, if any, in the property to which it relates and the property shall (if not already in their possession) be taken into the possession of the police.

(5) *Subject to subsection (3) property deprived from a person under subsection (1) may, after the expiry of six months from the date of the deprivation order, be disposed of and the proceeds shall be deposited into the Confiscated Asset Fund.”*

15. Section 48A of the POCA stipulates that:

“Forfeitures”

48A (1) The court by or before which a person is convicted of a money laundering offence may make a forfeiture order in accordance with the provisions of this section.

(2) Where a person is convicted of a money laundering offence, the court may order the forfeiture of any property which, at the time of the offence, he had in his possession or under his control and which he used or intended to use for the purposes of the offence.

(3) Where a person is convicted of a money laundering offence, the court may order the forfeiture of any property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

(4) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.”

16. Taking into consideration the negative impact which the charged offences may have on the public one can conclude that the ethos underpinning section 70IA of the Criminal Code and section 48A of the POCA must be: (i) to deprive an offender of the tools which they or others use or used to commit the offences; (ii) to deprive the offender and others of their ill-gotten gains; and (iii) to ultimately stamp out or go a long way in stamping out what may be a sophisticated criminal enterprise (which may straddle multiple jurisdictions).

Decision

17. When I delivered my reasons for sentencing the Defendant as I did, I commented that over the past ten (10) years Bermuda has seen an uptick in foreign nationals descending onto the Island and with a high level of sophistication and technological acumen then proceed to steal from unsuspecting members of the public. Obviously, beyond our shores

there must be a narrative floating around that Bermuda is easy pickings and fertile ground for offenders to commit the type of offences for which the Defendant has been convicted. The end result has been a deleterious impact on Bermuda’s financial institutions, but most importantly, it is likely that the hard-earned savings of bank account holders were pilfered (whether in or outside of Bermuda). I also commented that the bank is supposed to be a safe place where hard working persons who may be at the lower rungs of the socio-economic ladder can deposit their income and build their nest egg for future unforeseen expenditure and for future generations. The Defendant, by his criminal conduct, may have scuttled or delayed any such plans of these bank account holders.

18. It is for these reasons that the Prosecution’s applications for a Deprivation Order and a Forfeiture Order make eminent sense.

Deprivation Order Application

19. In respect of the Prosecution’s application for a Deprivation Order, Ms. Tyndale submitted that several items seized from the Defendant are “tainted property” for the purposes of section 70IA of the Criminal Code and therefore should be the subject of a Deprivation Order. More specifically, they were used in or in connection with the commission of the offences charged on the Indictment. In particular, the following items:
 - One black iPhone 15 in a clear case
 - One (1) black Samsung cellphone
 - One (1) black and silver “MSRX6” card reader Serial No F1220301671
 - One (1) black “Playstation” USB stick Serial No. G129001010291705
 - One (1) white “Playstation 5” Disc Edition
 - One (1) black and silver “DEFTUN” card reader serial #E12309180812
 - One (1) HID OMNIKEY card reader with attached USB cable
 - One (1) HID OMNIKEY card reader with serial #MSIP-REM-JQ6-OK3021
 - One black card reader with attached USB power cord

20. The Defendant took no issue with the fact that other than the Playstation consoles that the above listed items were used in or in connection with his commission of the offences and therefore they can be “tainted property”. Quite frankly, the Defendant

could not sustainably argue that the items were not tainted property. All of the items seized were either in the Defendant's possession at the time of or immediately after the commission of the offences for which he was convicted. For example, the Defendant was seen using a phone at the ATMs (possibly the iPhone 15) when he was extracting various sums of money from multiple bank accounts; the black Samsung phone was seized amongst other items which were used by the Defendant, and it is likely that he would have used it as he did the iPhone 15; and, the card readers were obviously used to create the cards which he inserted into the ATMs.

21. From these unassailable facts, it takes little effort for me to infer that these items were used in or in connection with the offences for which the Defendant was convicted. I therefore find that they were tainted property within the meaning set out in 70IA of the Criminal Code.
22. In respect of the Playstation consoles, Ms. Tyndale submitted that via the gaming platform they have a messaging function which allows users to send text and voice messages, screenshots and video clips. Further, that when the Defendant's accommodations were searched one of the Playstation consoles was connected as if it had been in use. Given this, Ms. Tyndale stated that it is highly likely that the Playstation consoles were other communication tools used by the Defendant in furtherance of his criminal activity. The Defendant rebutted by simply saying that the consoles were not used for such purposes.
23. Ms. Tyndale's submissions are persuasive but not persuasive enough for me to order that the Playstation consoles should be the subject of a Deprivation Order. While I accept that the Playstation console have features which would allow communication with others I am cautious to reach the conclusion that the Defendant actually used or may have used such functions, or that if he did that he did so in connection with the commission of the offences charged. Had I been made aware of the results of any examination of the consoles, as I was with the examination of the iPhone 15, then maybe my decision may have been different. But in the absence of such evidence I cannot bring myself to making a deprivation order for the Playstation consoles.

Forfeiture Order Application

24. In relation to the application for the Forfeiture Order, Ms. Tyndale submits that the following items were: (a) property which the Defendant had in his possession or under his control at the time of the commission of the money laundering offence, and, which he used or intended to use for the purpose of the offences; and/or (b) property which the Defendant received as payment or other reward in connection with the commission of the money laundering offence. Specifically:
 - The \$66,080 cash
 - The silver Rolex Oyster Perpetual Date Just Watch, model no. 16030, Serial No. 5712384
25. The Defendant did not dispute that the \$66,080 cash should be forfeited and nor could he when one considers that it is obvious that it was comprised of the whole or part of the cash which he withdrew from the various ATMs. It should therefore be no surprise that I hereby ordered forfeiture of the said \$66,080.
26. The Defendant did, however, take issue with the Prosecution's application to forfeit the Rolex watch. The Prosecution's take is that the watch was property which wholly or partly, directly or indirectly, was received by the Defendant as a payment or other reward in connection with the commission of the offences for which the Defendant was convicted. During several Court appearances the Defendant maintained that the watch was a Christmas gift from his girlfriend and that it was purchased from a jewelry store in Manhattan in New York State in the USA. In this regard, the Defendant produced an invoice dated 30th December 2023 purporting to be issued by a store called "Moses The Jeweler" and billed to a "Sasha Lial Ribeiro". The invoice indicates that the watch was valued at \$5,900. The Defendant also produced a bank statement from TD Bank for the period 20th December 2023 to 20th January 2024 purporting to show that on the 30th December 2023 a payment of \$5,900 was made to "Moses The Jeweler" (on the first page of the document).

27. The BPS carried out further inquiries in respect of the watch and in doing so they received a valuation of the watch from an authorized seller in Bermuda which put a replacement value of the watch at \$8,450.
28. Inquiries also revealed that Sasha arranged for the Defendant's stay at the Airbnb residence in Bermuda using the pretext that she was travelling with her "husband" (only the Defendant checked in).
29. The BPS also delved deeper into the said receipt and bank records produced by the Defendant and their investigations revealed that a "Sasha" was identified during the telephone analysis of the data from the seized phones of the Defendant and another defendant named "Caio Gallucci". Mr. Gallucci, also a Brazilian national, was arrested in July 2024 for offences related to obtaining property by deception *to wit* dishonestly obtaining goods from Pronto by using unauthorized card numbers (i.e. similar to the offence which the Defendant plead to – Count 7). On the 25th February 2025 Mr. Gallucci was sentenced to time served as he had been in custody since September 2024 (Case No. 29 of 2024). The telephone data also showed that Mr. Gallucci and the Defendant were in communication with each other while they both were in Bermuda and after the Defendant's first arrest.
30. Tellingly, there was extensive telephone communication between Mr. Gallucci and Sasha, and that Mr. Gallucci referred to Sasha as "*the head of the business.....She arranges everything; she is the one who makes shit happen*". Additionally, there was communication between Sasha and Mr. Gallucci about: card scamming activities in Bermuda; the suspected arrest of her "boyfriend"; and most curiously, the recovery from the Airbnb of "*a Rolex daydate with diamonds and.....cash*" and Mr. Gallucci bringing them back to the US with him.
31. From this, the Prosecution drew the conclusion that Sasha is "the" or "one of the" masterminds of the criminal organization in which the Defendant and Mr. Gallucci (and possibly others) were involved and which carried out the criminal enterprise of card scamming in Bermuda. The Prosecution says that the said bank statements of "Sasha Lial" are dispositive of this. Particularly, that many of the transfers set out therein show the transfer of large sums of money over a short period (such as the amount of \$32,000

in a one month period) and that this is indicative of money laundering. If this is so, the Prosecution further submits, then one can reasonably conclude that the watch was purchased from those laundered funds and therefore could be considered as “criminal property” which can be the subject of any Forfeiture Order.

32. The interconnected lines drawn by the Prosecution from and between the Defendant, Mr. Gallucci, Sasha, the offences committed by the Defendant and Mr. Gallucci, Sasha’s bank accounts, the purchase of the watch from Moses the Jeweler, and, the giving of the watch to the Defendant, are plausible and clearly defined. I accept that the evidence presented by the Prosecution was not tested by cross-examination, but the Defendant did not offer any evidence to the contrary either. No doubt he did not wisely do so because he may have inadvertently incriminated himself, Mr. Gallucci and/or Sasha even further. Whatever the Defendant’s reasoning for not explaining himself further, from the undisputed facts which I do have I am compelled to draw the inferences that:
 - (i) Sasha and the Defendant were a part of a network of individuals whose nefarious intent was to descend upon Bermuda for the sole purpose of stealing money from bank accounts (whether in Bermuda or overseas) by way of a sophisticated mechanism of scamming ATMs.
 - (ii) The \$66,080 found in the Defendant’s possession when he was arrested was the fruits of his and Sasha’s criminal conduct.
 - (iii) The TD Bank account held by Sasha was the back account through which Sasha (and possibly the Defendant) funneled or would have funneled the \$66,080 through.
33. It therefore rather easy for me to reach the conclusion that the watch, which was purchased from funds in the questionable TD Bank, was property which wholly or partly, directly or indirectly, was received by the Defendant as a payment or other reward in connection with the commission of the offences charged. Quite possibly to incentivize him to commit the offences since the watch was purchased on the 30th December 2023 which was a mere six (6) months before the commission of the offences on the 24th June 2024.

Conclusion

34. In the circumstances, I hereby confirm the Deprivation Order which I made in respect of the:

- One black iPhone 15 in a clear case
- One (1) black Samsung cellphone
- One (1) black and silver “MSRX6” card reader Serial No F1220301671
- One (1) black and silver “DEFTUN” card reader serial #E12309180812
- One (1) HID OMNIKEY card reader with attached USB cable
- One (1) HID OMNIKEY card reader with serial #MSIP-REM-JQ6-OK3021
- One black card reader with attached USB power cord

35. Further, I confirm the Forfeiture Order which I made in respect of:

- The \$66,080 cash
- The silver Rolex Oyster Perpetual Date Just Watch, model no. 16030, Serial No. 5712384

Dated the 5th day of February 2026



**The Hon. Justice Juan P. Wolffe
Puisne Judge**