

**COMMONWEALTH OF THE BAHAMAS**

**In The Supreme Court**

**Criminal Division**

**No. CRI/BAIL/00046/2017**

**BETWEEN**

**COURTNEY BELTON**

**AND**

**THE ATTORNEY GENERAL**

Before: Her Ladyship, The Honourable  
Madam Justice Guillimina Archer-Minns (Acting)

Appearances: Mr. Courtney Belton  
Mr. Geoffrey Farquharson for Applicant  
Ms. Desiree Ferguson for the Respondent

Hearing Date: 8<sup>th</sup> February 2017

**RULING-BAIL**

## **Archer-Minns J**

The Applicant, Courtney Belton has made application for bail having been charged with one count of Murder. Counsel for and on his behalf submitted to the court that:

- (i) the Applicant was twenty-three (23) years old
- (ii) has no antecedent nor pending matter(s)
- (iii) was gainfully employed for two years prior to his remand
- (iv) was enrolled as a student at BTVI
- (v) is a Bahamian citizen
- (vi) was previously tried resulting in a hung jury – the verdict being 7 Not Guilty, 5 Guilty – a strong indication as to the weakness of the Crown's case
- (vii) matter is fixed for trial for the 8<sup>th</sup> July 2019 with a Back Up Date of 12<sup>th</sup> February 2018.
- (viii) no indication that the Applicant will interfere with witnesses

Applicant in all the circumstances is a fit and proper candidate for the admission of bail as, there is no reason why the Applicant will not return for trial having previously gone through a trial.

The Crown objected to bail and relied on the Affidavit of Sgt. 2310 Valencia Roberts-Conliffe filed on the 1<sup>st</sup> February 2017.

The Affiant avers inter alia:

- (i) the offence for which the Applicant is charged is a Part C offence
- (ii) no unreasonable delay in the Prosecution of the matter
- (iii) it is believed that the Applicant will fail to surrender to custody, appear for trial, interfere with witness and commit further offences.
- (iv) evidence against the Applicant is strong
- (v) the public need protection

In all the circumstances, the court ought not exercise its discretion to grant bail

The Court considered the submission of both Counsel for the Applicant and the Respondent together with the relevant provisions of the Bail Act Section 4 and Part A in particular. The Court during its deliberation was also mindful of the constitutional rights of the accused to his liberty and his presumption of innocence balanced with the competing interest of the public and the need for its safety and protection and public order.

**Richard Hepburn v AG #276/2014.**

The court was also mindful of the views expressed by Lord Bingham in *Hurnam v. The State* 2006 referenced in *Richard Hepburn* as to the interest of the accused to remain at liberty unless or until he is convicted of a crime sufficiently to deprive him of his liberty and the counter-vailing interest of the public to ensure that the course of justice is not thwarted by the flight of the accused or perverted by his interference

with witnesses/evidence and that he does not take advantage of the delay before trial to commit further offences.

The court is also mindful of the outcome of the previous trial of the Applicant resulting in a hung jury obviously more favourable to the Applicant. This notwithstanding from the statements of the witnesses relied upon by the Respondents; there seemingly is an ongoing feud of sorts between persons in the area and therefore a possibility that the situation could escalate even further if the accused is released on bail. As such, all factors considered the court is of the view that in the interest of the Applicant himself and for his own safety and protection as well as in the interest of the witnesses together with there being no unreasonable delay in the prosecution of the matter, the court will not exercise its discretion to grant bail to the Applicant at this time. Should there be a change in circumstances or the matter not proceeding to trial on its scheduled trial date, the Applicant is at liberty to apply to the court.

Bail is denied and the Applicant's continued remand in custody is so ordered.

Dated this 8<sup>th</sup> day of February 2017

  
Justice (Acting)