

COMMONWEALTH OF THE BAHAMAS
In The Supreme Court
Criminal Division
No. CRI/BAL/00168/2019

BETWEEN

CAMERON BANNISTER

AND

THE ATTORNEY GENERAL

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

Appearances: Ms. Krystal Rolle for the Applicant
Ms. Darnell Dorsette for the Respondent

Hearing Date: 27 March 2019

RULING-BAIL

Archer-Minns J

1. The Applicant, Cameron Bannister has made application for admission to bail, he having been charged with one count of Armed Robbery, contrary to Section 339(2) of the Penal Code, Chapter 84.

Counsel for and on his behalf submitted inter alia,

The Applicant:

- (i) denies any involvement in the alleged armed robbery
 - (ii) alleges mistaken identification
 - (iii) he's a nineteen (19) year old student and is a fit and proper candidate for bail, not a flight risk and is prepared to abide by all conditions imposed, if bail is granted.
 - (iv) presumption of innocence remain clear
 - (v) scales ought to be tipped in favor of the Applicant at this time
 - (vi) has no previous convictions
2. Crown opposed the application and submitted inter alia;
 - (i) no unreasonable delay in the prosecution of the matter
 - (ii) evidence is cogent and strong – identification made by a person who knows the Applicant – Identification being recognition.
 - (iii) the alleged Armed Robbery is between two class mates, with a firearm being used.
 3. The court reviewed and considered the submissions of Counsel for the Applicant and Respondent together with the relevant provisions of the Bail Act and the authorities relied upon by respective Counsel.

Section 4(2) of the Bail Act states inter alia:

“(2) Notwithstanding any other provision of this Act or any other law any person charged with an offence mentioned in Part C of the First Schedule, shall not be granted bail unless the Supreme Court or the Court of Appeal is satisfied that the person charged

 - (a) has not been tried within a reasonable time or

(b) is unlikely to be tried within a reasonable time

(c) should be granted bail having regard to all the relevant factors including those specified in Part A of the First Schedule and subsection 2(B)

4. The Applicant herein, has been charged with the offence of Armed Robbery and is therefore an offence which falls within Part C of The Bail Act and for which in accordance with the above stated provisions shall not be granted bail unless the pre-requisite conditions outlined in 4 2(a) (c) have been considered.

5. The Applicant was arraigned in the Magistrates Court on 7 January 2019, served with a Voluntary Bill of Indictment on 12 February 2019 and subsequently arraigned before the Supreme Court on 1 March 2019. A fixed trial date of 3 May 2021 with the possibility of an earlier trial date, that is a back up trial date for 13 April 2020. Both dates would be within two years of the Applicant's initial appearance before the court and certainly within a period less than the three year period regarded as being a reasonable period for the purpose of the Bail Act. It therefore seems likely to the court, that the Applicant with regard to the prosecution of this matter, will be tried within a reasonable time.

6. As to whether the court should exercise its discretion to grant bail to the Applicant notwithstanding that he may be tried within a reasonable time, consideration was given by the court to the offence with which the Applicant is charged, an offence which falls within Part C of The Act, is very serious in nature and attracts a stiff penalty if convicted; the submissions of Counsel, the absence of any antecedent, the identification evidence of the Respondent's principal witness and the possibility of witness interference together with the non recovery of the firearm allegedly used during the commission of the offence.

7. In all of the circumstances, the court having weighed the competing interests of the Applicant's presumption of innocence with the need to protect public order and public safety as well as to lessen the possibility of witness interference, the court is of the view that it ought not exercise its discretion to grant bail to the Applicant at this time. The Applicant ought to continue his remand in custody to await his trial date. Should there be any change in circumstance in the interim, the Applicant is at liberty to re-apply.

Dated this 10 day of April, 2019



Justice