

**COMMONWEALTH OF THE BAHAMAS**  
**In The Supreme Court**  
**Criminal Division**  
**No. CRI/BAL/00280/2016**

**BETWEEN**

**DEKEIL ONIEL BOWE**

**AND**

**THE ATTORNEY GENERAL**

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

Appearances: Mr. Dekeil Oniel Bowe  
Mr. Ian Cargill for the Applicant  
Ms. Linda Evans and Mr. Timothy Bailey for the Respondent

Hearing Date: 10<sup>th</sup> August 2016

**RULING-BAIL**

## Archer-Minns J

An application for bail was made for and on behalf of the Applicant Dekeil Bowe, he having been charged with one count of Murder and one count of Attempted Murder contrary to Sections 291(1)(b) and 292 respectively of the Penal Code, Chapter 84.

Counsel for the Applicant submitted inter alia,

- (i) the Applicant has no previous convictions nor any pending matters
- (ii) a notice of Alibi was given for and on behalf of the Applicant
- (iii) the evidence of the Prosecution is tenuous in respect to the Applicant.
- (iv) the Applicant is to return to court on the 10<sup>th</sup> February 2017 with a fixed trial date of 28<sup>th</sup> June 2019 and a back up trial date of the 2<sup>nd</sup> October 2017.

In all the circumstances, the Applicant ought to be granted bail.

The Crown objected to bail on the basis that:

- (i) the charges preferred against the Applicant fall within Part C of The Bail Act.

- (ii) the Back Up Trial Date of the 2<sup>nd</sup> October 2017 is less than two years from the date the Applicant has been in custody. The Applicant has been in custody from April 2016. The Fixed Trial Date of 28<sup>th</sup> June 2019 is less than the three year guideline period stipulated under The Bail Act.
- (iii) there has been no unreasonable delay nor is there likely to be any unreasonable delay given the fixtures for trial.
- (iv) the Notice of Alibi is an issue which will be addressed during the course of the trial.
- (v) there is also the need for caution with respect to the safety of the identifying witnesses.

In all the circumstances, the Applicant ought not to be granted bail

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

“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 or

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

Section 2 A states:

“For the purpose of Subsection 2(a) & (b)

(a) without limiting the extent of a reasonable time, a period of three years from the date of arrest or detention of the person shall be deemed to be a reasonable time.

Section 2 B states:

“For the purpose of subsection 2(c) in deciding whether or not to grant bail to a person charged with an offence mentioned in Part C of the First Schedule, the character or antecedent of the person charged, the need to protect the safety of the public or public order and when appropriate, the need to protect the safety of the victim or victims of the alleged offence, are to be primary considerations.

The court having reviewed and considered the submissions of both Counsel for the Applicant as well as Counsel for the Respondent together with the relevant law, sections 3 and 4 of the Bail Act, the court is of the view that:

(i) the offences for which the Applicant is charged are very serious ones and can attract a very serious penalty if

convicted. As such, the Applicant if granted bail may not appear to his trial for fear of the punishment associated therewith

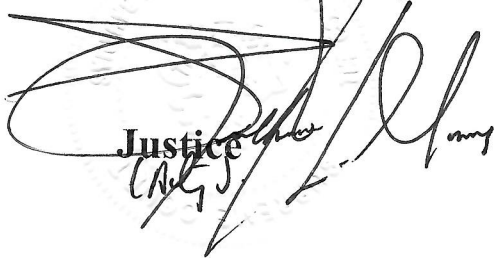
(ii) given the identification evidence, there is a possibility that the Applicant may interfere with witnesses

(iii) there is no unreasonable delay in the prosecution of the matter given the fixed dates for trial

In all of the circumstances, the court having weighed the competing considerations of the Applicant's presumption of innocence with the need to protect public order, public safety, the safety of the Applicant himself and 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 is to continue to remain remanded in custody to await his trial date.

For the reasons stated above, the application for bail is denied.

Dated this 7<sup>th</sup> day of September 2016

  
Justice  
(A. J.)