

**COMMONWEALTH OF THE BAHAMAS**

**In The Supreme Court**

**Criminal Division**

**No. CRI/BAIL/2023**

**BETWEEN**

**GODFREY MINNIS**

**AND**

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

Before: Her Ladyship, The Honourable Madam Justice Jeanine Weech-Gomez

Appearances: Ms. Royann Forbes for the Applicant.

Mr. K Munroe for the Respondent.

**RULING- BAIL**

## **Weech-Gomez J**

### **INTRODUCTION**

1. Mr. Godfrey Minnis (D.O.B. 04-May-1997) (hereinafter the “**Applicant**”) was initially charged with Attempted Murder contrary to section 292 of the Penal Code, Chapter 84 concerning the Virtual Complainant Philip Moxey Jr. (hereinafter the “**VC**”) alleged to have occurred on Friday, the 18<sup>th</sup> March, 2022. On the 15<sup>th</sup> January, 2023 he passed away, the charge has now been upgraded to Murder contrary to section 291(1) (b) of the Penal Code and he now applies for Bail via Summons and Affidavit filed the 4<sup>th</sup> October, 2023. The Respondent replied via Affidavit filed the 31<sup>st</sup> October, 2023.

### **THE LAW & DISCUSSION**

2. There is a right to apply for a Bail via the Constitution of the Bahamas though the right to apply does not infer a right to the automatic granting of Bail. Guidance is provided by **The Bail Act (1994) (as amended) (hereinafter the “Bail Act”, the “Act”)** to assist the Court in exercising its discretionary power. It should be stated at the outset, that this Court granted the Applicant bail in July of 2022 on the charge of attempted murder relative to the same facts and that the only change that has occurred since then, is the charge is now being elevated to that of Murder.
3. The Penal Code provides at section 23 (2) the following,  
  
*“ (2) Where death caused by harm, takes place within a year and a day of the harm being caused, the special provisions, relating to homicide, under Title xx. of this Code may become applicable”.*
4. Special Provisions. Section 306 – Special Provisions as to causing death  
  
*306 (5), “death shall not be held to have been caused by harm unless the death takes place within a year and a day of the harm being caused”.*
5. The charge has now been elevated to Murder, which this Court does not treat lightly, this however has not alter the facts that were presented nor the decision made by this Court in July 2022. There has been no evidence tendered by the Respondent that the Applicant has failed to adhere to the bail conditions that were previously set.

## **Conclusion**

6. This Court having taking into consideration the submissions of both sides, the Constitution and the Law reviewed previously and in this present application, grants Bail to the Applicant on the charge of murder with following conditions:
- a) The Applicant is to report to the Quackoo Street Police Station every Tuesday, Thursday and Saturday before 6:00pm.
  - b) The Applicant is to be outfitted with an electronic monitoring device and agree to be bound by the Regulations of the device.
  - c) The Applicant nor his agents are to have no deliberate contact the prosecution witnesses.
  - d) Breach of any of these conditions on credible information, bail may be revoked.

**Dated this 7<sup>th</sup> day of November, 2023.**

---

**The Hon. Madam Justice Jeanine Weech – Gomez**