

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Criminal Division

2023/Cri/bal/no.

BETWEEN

TREVON STEVENS

Applicant

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Honourable Mr. Justice Franklyn K M Williams, KC

Appearances: Ms. Tonique Lewis for Applicant

Ms. T'Shura Ambrose for DPP

Hearing Date: 5 September, 2023

RULING

1. The applicant, charged with kidnapping, rape and two counts of murder, applied for bail by way of summons and affidavit in support thereof filed on 28 August 2023..
2. The affidavit reads, in part:

“ I TREVON STEVENS of the Bahamas Department of Correctional Services, in the Island of New Providence, one of the Islands of the Commonwealth of The Bahamas, make Oath and say as follows:-

1. That I am the applicant herein.

...

6. That I was arrested on September 28, 2020 and subsequently charged for the following:

- I. Rape (one count): Contrary to section 6(a) of the Sexual Offences Act;**
- II. Murder (two counts): Contrary to section 291 (1) B of the Penal Code; and**
- III. Kidnapping: Contrary to section 282 of the Penal Code.**

7. That I was arraigned on 11th June 2021 before the Honorable Senior Justice Bernard Turner.

...

13. That my matter is now fixed for trial to commence on 5 May, 2025

14. That to date, I was incarcerated for almost three years (two years and three hundred and forty three days)

15. That if I were to remain in custody until my trial, I would then be incarcerated for four years and two hundred and ninety days.

...

18. That I am respectfully asking this Honorable Court to grant me bail.

19. ...

3. The applicant had previously been denied bail by Turner SJ (as he then was), having filed therefor by summons and affidavit in support thereof on 30 March 2022. The respondent then opposed bail and does so now.

4. Attached to the affidavit of the respondent at that time, were, inter alia, a statement of the virtual complainant in respect of the allegations of the rape and kidnapping offences and that of the juvenile child of the virtual complainant. The statement of the former details those allegations and the applicant is identified as the person who took her to his workplace (security officer at T.G. Glover) on 26 September 2020 where he is alleged to have assaulted, and threatened to kill her. Further, the applicant is alleged to have forcibly taken her to his apartment, where he sexually assaulted her whilst detaining her, not permitting her to leave until 3:00 a.m. or 4:00 on the morning of 27 September 2020.

5. The deceased Alicia Sawyer alleged that after the abduction and sexual assault, the applicant offered her \$1000k if she did not go to the police, to which she agreed. The applicant, hugged her, let her go but not before telling her “...**you know I love you, don’t let me have to kill you, you done say what you ga do.**”

The statement of the latter details her conversation with the deceased Alicia Sawyer on the evening of 27 September 2020 upon her return home with bandaged arm, and her discovery of the bodies of her sister and mother on the morning of 28 September 2020.

6. The deceased (virtual complainant) and her daughter were alleged to have been murdered less than twenty four hours after the utterance of the words (alleged) by the applicant and after the deceased having made criminal complaint to the police.

7. The then affidavit of the respondent exhibited the applicant’s antecedents. Those antecedents are convictions for possession of an unlicensed firearm(2 counts), possession of dangerous drugs, threats of death, causing grievous harm and housebreaking .

8. I now consider the application for bail of this applicant *de novo*. The presumption of innocence obtains.

9. I note that The Director of Public Prosecutions (“the DPP”) has indicated its intention to bring this matter on for trial 20 November 2023, thus bringing it within a reasonable time in my view.

10. Section 4 (2) (c) of the Bail Act sets out the bail regime:

“4. (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 charged 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 (2B),

... .

(2B) 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 antecedents of the person charged, the need to protect the safety of the public or public order and, where appropriate, the need to protect the safety of the victim or victims of the alleged offence, are primary considerations.”

11. Part A of the First Schedule of the Bail Act:

“In considering whether to grant bail to a defendant, the court shall have regard to the following factors: -

(a) whether there are substantial grounds for believing that the defendant if released on bail, would –

(i) fail to surrender to custody or appear at his trial;

- (ii) **commit an offence while on bail; or**
- (iii) **interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;**
- (b) **(b) whether the defendant should be kept in custody for his own protection or, where he is a child or young person, for his own welfare;...**
- (g) **the nature and seriousness of the offence and the nature and strength of the evidence against the defendant;**
- (h) **in the case of violence allegedly committed upon another by the defendant, the court's paramount consideration is the need to protect the alleged victim."**

12. The offences with which the applicant is charged are serious offences, the evidence of which is strong and cogent and raises, in my view, a reasonable suspicion of the commission of them by the applicant. Further, the evidence evinces a *prima facie* case, such as would require the applicant to answer at trial.

13. The defendant is not of good character. He avers:

"I have previous convictions... ."

14. The applicant's averment here is rather simplistic; however, a perusal of the applicant's antecedents reveal that the commission of those previous offences was attended by violence or the threat of violence i.e. possession of unlicensed firearm (2 counts); threats of death; causing grievous harm; assault with a deadly weapon.

15. Santia Young, the sister in law of the applicant and witness named on the information in a witness statement, stated:

"On Sunday 27 September 2020...he (Trevon) said he ended up

beating Alecia up and his father had to come and save her from him beating her up. He also said he took a photo of Alecia naked and sent it to Lynden with the caption “see your bitch in my house. ...Trevon also said he choked Alecia Saturday night until she passed out.”

16. The applicant has been convicted of causing grievous harm (recorded on antecedent form 29/01/16) to a female with whom he was then having a relationship, and which harm was caused in circumstances and in a manner similar to that which is alleged here. I find, in the premises that the applicant is a threat to society generally, and in particular to females.

17. The daughter of the deceased was in the house at the time of the alleged murder. The applicant is alleged to have confessed to his sister in law several acts of violence perpetuated against the deceased leading up to her death. Both are, in my view, vulnerable witnesses. I am of the view, based on the applicant's antecedent history, that the applicant would commit an offence or offences while on bail, specifically, interfere with and intimidate witnesses, and otherwise obstruct the course of justice. There is here, in my view, a compelling need to protect the public safety and in particular the safety of those witnesses.

18. I note that there is no evidence before me which suggests that the applicant would not appear for his trial.

19. I now address my mind to whether conditions may be imposed to ameliorate and or mitigate what I have determined to be the threat to public safety, witness interference and safety, and to prevent the commission of offences while on bail. In my considered view, there are none. Electronic monitoring and reporting, whilst effective in ensuring the attendance at court for trial, would not prevent the commission of offences, in particular the ones described here. The virtual complainant in the rape allegation, having made such, was within hours murdered along with a female child; the applicant is alleged to have been seen attempting to gain entry into the home occupied by the murdered by breaking mere hours before the bodies of the murdered were found.

20. In the premises, I find the applicant is not a fit and proper candidate for bail, and ought to continue to be detained in custody until his 20 November 2023 trial. Bail is refused.

Dated this 1st day of November, A.D. 2023



Franklyn K M Williams, KC

Justice