

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

CRIMINAL LAW DIVISION

2023/CRI/bal/00092

BETWEEN

PERRY DAVID GRANT JR

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

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

Appearances: Cassie Bethel for the Applicant

Tamika Roberts for the Respondent

Hearing Dates: 11 July 2023; 18 July 2023;

RULING

WILLIAMS, J

The Applicant, a 24 year old Bahamian is charged with **WANTONLY DISCHARGING A FIREARM** and making **THREATS OF HARM**.

[1.] On 6 October 2021, the Applicant was granted bail in the amount of \$7,500 having been charged with **POSSESSION OF FIREARM WITH INTENT TO ENDANGER LIFE**

[2.] The Applicant has convictions for **POSSESSION OF DANGEROUS DRUGS** and **BREACH OF CURFEW**.

[3.] The Applicant avers, inter alia :

8. I do not have any previous conviction (s) before the Court (s) in the Commonwealth of The Bahamas.

...

9. I do have a pending matter Possession of Firearm before the Court in the Commonwealth of The Bahamas.

14. I am a proper candidate for bail.

[4.] In the Affidavit of Betty Wilson, on behalf of the Respondent Director of Public Prosecutions, it is averred, inter alia:

12. That paragraph 9 and 14 of the Applicant's Affidavit in response is refuted as the Applicant has another pending matters and has breached his bail condition. Attached hereto and marked "CT - 3" is true copies of the Applicants Criminal Antecedent Form.

[5.] The Antecedent Form referenced lists the several charges of **ASSAULT WITH A DEADLY WEAPON, THROWING MISSILES, TRESPASSING** and **ASSAULT WITH A DANGEROUS INSTRUMENT** and **VIOLATING BAIL CONDITION**, alleged to have been committed on divers occasions, and whilst the Applicant was on bail. At hearing, the Applicant did not deny that he had been so charged.

[6.] The Applicant is presumed innocent.

[7.] The Applicant is not of good character.

[8.] There is no indication, either on the Applicant's case or the Respondent's case that the Applicant will not receive a fair trial within a reasonable time.

[9.] There is no evidence before me that the Applicant is likely to abscond and or not show for trial.

[10.] The evidence is such that it raises the reasonable suspicion of the commission of the offences by the Applicant. The evidence is strong and cogent, the offence quite serious.

[11.] Without condescending to analysis of its' weight, the evidence discloses an animus toward the complainant by the Applicant. On two separate occasions, the Applicant is alleged to have aggressively accosted the complainant with the portent of violence. The complainant states that he is in fear for his life. There are substantial grounds for believing that the Applicant would interfere with witnesses or otherwise obstruct the course of justice.

[12.] A perusal of the Applicant's antecedents (convictions and pending) reveals a general disregard for law and order. The evidence shows that the alleged acts (all violent) grounding the pending charges were committed whilst the Applicant was on bail for an alleged act of violence. There are substantial grounds for believing the Applicant would commit an offence or further offences if granted bail.

[13.] I find that the Applicant is a threat to the public order and the public safety, in particular that of the complainant. In my view, there is a need to protect the safety of that complainant.

[14.] My findings on all of the considerations to be taken into account militate against the grant of bail.

[15.] I now direct my mind to whether conditions may be imposed to mitigate and or minimize what I have determined to be the threat to public safety and public order, witness interference and safety, and to prevent the commission of offences while on bail. In my considered view, there are none. Reporting conditions were previously imposed. Notwithstanding, the Applicant is found to be charged with similar offences. Electronic monitoring, whilst effective in ensuring attendance for trial, would not prevent the commission of offences, in particular the ones described here.

[16.] In the premises, I find the Applicant is not a fit and proper candidate for bail; bail is refused.

[17.] I gave this decision orally on 17 August 2023. I promised to reduce it to writing. I do so now.

Dated the 10th day of April 2024



Franklyn K M Williams, KC

Justice