

**COMMONWEALTH OF THE BAHAMAS**

**2024/Cri/bal/no.**

**IN THE SUPREME COURT**

**Criminal Division**

**BETWEEN**

**TREVON STEVENS**

**Applicant**

**AND**

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**Respondent**

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

**Appearances: Applicant pro se**

**Timothy Bailey for Director of Public Prosecutions**

**Hearing Dates: 9 April; 16 April 2024**

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**RULING**

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1. The applicant, charged with kidnapping, rape and two counts of murder, applied for bail, having previously been denied bail, and several scheduled dates having passed without trial. In light of the clearly changed circumstances, I consider the application *de novo*.

2. 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 applicant then applied for bail to this court, which grant was refused. Upon application to this court, the respondent opposed bail and does so now.

3. Attached to the affidavit of Sgt. Allan Ferguson, proffered on behalf of the respondent is, 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.

4. 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.

5. 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.

6. The affidavit 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 .

7. The presumption of the innocence of the applicant obtains. Notwithstanding, the evidence is such that it raises the reasonable suspicion of the commission of the



offences by the complainant; in other words, in a trial of the charges, the establishment of a *prima facie* case.

8. 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 the person charged –**

**(a) has not been 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 (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.”**

9. 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."**

10. 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.

11. The applicant is not of good character. A perusal of the applicant's antecedents reveal the commission of those previous offences was attended by violence or the threat of violence i.e. possession of unlicensed firearm, threats of death, causing grievous harm, assault with a deadly weapon.

12. The sister in law of the applicant, a named witness on the information, 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."**

13. Among the applicant's antecedents are a conviction for causing grievous harm 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. The applicant is alleged to have confessed to his sister in law several acts of violence perpetrated against the deceased Alicia Sawyer leading up to her death. The daughter of the deceased Alicia Sawyer, Alyssa Monfils is alleged to have been in the house in which the alleged murders took place. In my view, they are vulnerable witnesses, in need of protection. In my view, based on the applicant's antecedent history, the applicant would commit an offence while on bail, specifically, interfere with and intimidate witnesses, and otherwise obstruct the course of justice. Further, there is a compelling need to protect the public safety.

14. Notwithstanding my findings, I consider the clearly changed circumstances of the applicant and the progression of the trial of this matter. The applicant, presumed to be innocent, has been on remand for three years and nine months, clearly exceeding the statutorily suggested trial within a reasonable time limit. Several dates, most recently 20 November 2023 have passed without trial. In conducting the balancing required in this case, the result is, inexorably, the grant of bail.

15. Bail is granted in the amount of thirty thousand (30k) dollars, with one or two suretors. The applicant:

1. to be fitted with an electronic monitoring device
2. to report daily at or before 4pm to Grove Police Station
3. is prohibited from zones of Windsor Field (LPIA) and Potter's Cay Dock
4. to observe curfew 7 pm – 7 am daily
5. is prohibited from interfering with, communicating with, contacting the witnesses, any of them, in particular Santia Young (sister in law), Alyssa Monfils (minor child of deceased), Mario Bannister (adoptive (adoptive father, and witness to alleged kidnapping) in this matter.
6. not to come within 300 feet of Santia Young, Alyssa Monfils, Mario Bannister



16. I gave an oral ruling granting bail on 16 April 2024. At that time, I promised to put the reasons therefor in writing. I do so now.

17. As, I am now reducing that oral ruling to writing, and in the particular circumstances of this case, I find it necessary to add a postscript hereto.

18. Upon my announcement of the imposition of the condition of the prohibitions at 5 and 6 (above), the applicant responded, "What if there is a family reunion?."

19. I note, also, from the applicant's bail application form, that one of the proposed sureties is his adoptive father, Mario Bannister, who is a witness on the charge of kidnapping.

20. In my view, these words, and the circumstances of the proposed surety underline my findings and amplify my concerns expressed at paragraph 14.

21. In the premises, I direct that Mario Bannister not be accepted as surety for the applicant.

Dated this 9<sup>th</sup> day of May, 2024

  
Franklyn K M Williams, KC

**Justice**