

**COMMONWEALTH OF THE BAHAMAS**

**IN THE SUPREME COURT**

**CRIMINAL LAW DIVISION**

**2016/CRI/bal/00495/**

**BETWEEN**

**JONATHAN DUVALIER**

**Applicant**

**AND**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**Respondent**

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

**Appearances: Ian Jupp for the Applicant**

**Timothy Bailey on 15 April 2024 for the Respondent**

**Tabatha Fraser on 25 April 2024 for the Respondent**

**Carmen Brown on 7 May 2024 for the Respondent**

**Vashti Bridgewater on 4 June 2024 for the Respondent**

**Tamika Roberts on 11 June 2024 for the Respondent**

**Hearing Dates: 15 April 2024; 25 April 2024; 7 May 2024; 4 June 2024; 11 June 2024**

**RULING**

**WILLIAMS, J**

The Applicant, charged with **ATTEMPTED MURDER**, seeks bail.

[1.] At the time of his arrest for the offences for which he seeks bail, the applicant was on bail for two counts of **ATTEMPTED MURDER**, of which charges he has now been acquitted.

[2.] The Applicant has previously applied for bail, which application was denied. I therefore consider this application *de novo*. He is presumed to be innocent.

[3.] I take judicial notice of the fact of that the Royal Bahamas Police Force have deemed the majority of murders retaliatory. ( See Commissioner of Police Clayton Fernander quoted in Tribune Tuesday, February 13, 2024 [lmunnings@tribunemedia.net](mailto:lmunnings@tribunemedia.net)). Further, the majority of killings are committed by use of firearm.

[5.] There is no evidence before me to suggest that the Applicant will not have “...*a fair trial within a reasonable time.*”

[6.] The offence with which the Applicant is charged is serious, the evidence (including identification) of which is strong and cogent and raises, in my view the 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. I fully understand that my findings here and above are not of themselves reason for denying bail.

[7.] I note that by his own admission, the complainant states that he “...sometime back in May of 2021, I was involved in an incident where my backyard was shot up with my girlfriend and myself was in the kitchen. ...Since then, I was charged and sent back to prison on a charge of Attempted Murder.” Thus, the issue of retaliation is raised and I am concerned that, in the present milieu, there is strong likelihood that Applicant may himself be killed or at the very least the target of an attack, and the lives of members of the public imperiled thereby.

[8.] Whether directly, or implicitly, I find the Applicant a threat to the public safety and public order.

[9.] The Applicant is not of good character. He has been convicted of serious offences viz **Housebreaking, Stealing and Receiving, Armed Robbery, Causing Grievous Harm and Attempted Housebreaking**, committed *seriatim*. The Applicant has pending matters of **Armed Robbery and Stealing a Vehicle**.

[10.] While the Applicant is acquitted of the two counts of Attempted Murder, he nonetheless was charged with the present offence of Attempted Murder whilst on bail for the former. When coupled with previous convictions, the Applicant evinces a propensity to commit the same or similar offences should he be granted bail.

[11.] There is no evidence that the Applicant is likely to abscond or not show for his trial.

[12.] According to the evidence, the complainant has known the Applicant for a period of 3 – 4 years. He indicates that prior to the attempt on his life, he received word that he was being targeted for “snitching”. Coupled with convictions for serious and violent offences and pending matters for violent offences while armed with an offensive weapon, in my view, it is probable that the Applicant will interfere with witnesses or otherwise obstruct the course of justice.

[13.] Having heard and considered the evidence, and, having considered whether the findings made could be ameliorated and or mitigated by the imposition of appropriate conditions, I conclude that they may not.

[14.] In the premises, bail is refused.

Dated the 18<sup>th</sup> day of June 2024

  
Franklyn K M Williams, KC

Justice