

COMMONWEALTH OF THE BAHAMAS

CRI/BAIL/00018/2021

In The Supreme Court

Criminal Division

BETWEEN

SHANTON G. MUNROE

Applicant

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: Her Ladyship, The Honourable Madam
Justice Guillimina Archer- Minns

Appearances: Mr. Ian Jupp for the Applicant
Ms. Davina Pinder for the Respondent

Hearing Date: 13 December 2023

RULING- BAIL

Archer-Minns J

1. By a completed form emanating from The Bahamas Department of Correctional Services dated 21 September 2023, the Applicant Shanton G. Munroe has made application to the Court for admission to bail. He is charged with one (1) count of Murder, three (3) counts of Attempted Murder and three (3) counts of Possessions of a Firearm with Intent to Endanger Life. On his initial appearance before the court the Applicant appeared Pro se and requested the matter be adjourned for counsel of his choice to make representations on his behalf. On 13 December 2023, the Applicant appeared with counsel.
2. Counsel of the Applicant essentially contended that (i) the Applicant has been in custody since 27 July 2022 and his trial date is likely to be outside the guideline period of three years which is considered to be a reasonable period for which a trial should be had; (ii) the evidence upon which the Prosecution intend to rely is not cogent, there is no finger print or other physical evidence implicating the Applicant and; (iii) the Applicant has no previous convictions or other pending matters save for the offences for which bail is being sought. In all of the circumstances of the case, the Applicant is a fit and proper candidate for bail.
3. The Respondent objected to the grant of bail and placed reliance on its Affidavit in Response filed 15 November 2023 and 31 March 2023. It was contended that (i) the Applicant was identified as one of two perpetrators; (ii) an innocent child was killed (iii) the safety of the Applicant is of concern and; (iv) there has been no change in circumstances since his earlier denial of bail. In all of the circumstances of the case, counsel advanced, the Applicant ought not be admitted to bail.
4. I heard the oral submissions of Counsel for the Applicant and Respondent and read the Affidavit in Response of the Respondent filed 15 November 2023.
5. The issue for the Court to determine is whether the Applicant is a fit and proper candidate for admission to bail.
6. The Court is cognizant that the Applicant previously applied for admission to bail before Justice Cheryl Grant- Thompson and a Ruling was delivered on 3 May 2023. Bail was denied. This notwithstanding, the Court gave due consideration to the current application before it, submissions of both Counsel, relevant provisions of The Constitution, the Bail Act and all relevant authorities.

7. It is noted, that the Applicant admitted to having no previous convictions. Upon review of the Applicant's Criminal Record Antecedent Form, he has been convicted of Causing Grievous Harm and Causing Damage in 2019 and 2020 respectively. In the first instance, he was given the option of paying a fine or alternatively a term of imprisonment. In the second instance, he was sentenced to eighteen (18) months imprisonment and ordered to compensate the virtual complainant. The Court is not certain whether the non-disclosure of the previous convictions was an inadvertent slip on the Applicant's part of an attempt to mislead the Court particularly since the same assertion was made in the earlier application. Suffice it to say, the previous convictions indicate that the Applicant is not an individual of good character and which is also a factor to be considered for the grant or refusal of bail.

8. The Court further noted for the Ruling of 3 May 2023, the Respondent placed reliance on a Supplemental Affidavit of the Respondent filed on 9 February 2021, sworn to by Kendall Carrolle III to the extent that the Applicant was known to be affiliated with the Organized Crime ("OC") gang. He is regarded as a low level street member by the "OC" gang and his role involves retaliation against rival gangs and obeying orders of the higher ranking members. This averment, certainly supports the Respondent's contention that the safety of the prosecution witnesses; the Applicant himself, the public and public order is of paramount concern.

Conclusion

9. The Court having regard to the Constitution relevant provisions of the Bail Act, the Bail Ruling of Justice Grant- Thompson, oral submissions of Counsel and The Affidavit in Response of the Respondent, so finds that there has been no substantial change in the circumstances of this case save for the effluxion of time and the issuance of scheduled trial dates: Back Up Trial Date, 8 June 2026 and Fixed Trial Date, 10 May 2027. Without the grant of bail, the Applicant would be in custody in excess of the three year guideline as provided by the Bail Act. He has been in custody since his arrest in July 2022.

10. The Court endorses the findings of Justice Grant- Thompson and is satisfied that:
 - i. there is a sufficiency of evidence implicating the Applicant in the commission of the offence so much so as to justify the deprivation of his liberty by arrest charge and detention;

 - ii. the Applicant is not an individual of good character as per his antecedent form;

 - iii. the safety of the intended Prosecution witnesses, that of the Applicant, the public and public order is of paramount concern particularly given the averment of the Applicant's association with the "O.C" gang;

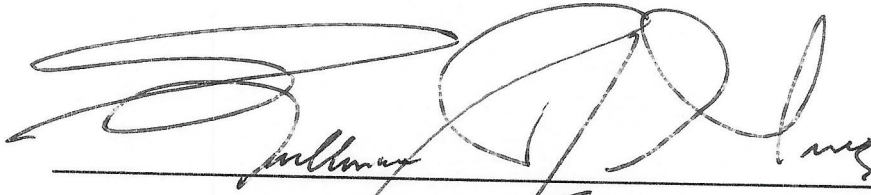
- iv. there are no conditions that can be imposed by the Court to minimize the risks involved with the grant of bail.

Bail is therefore in the circumstances of this case denied.

11. Bail having been denied, the Court will invite counsel for the Applicant and Respondent to attend before it for new dates to be fixed for trial since earlier dates have become available due to the disposition of matters otherwise than by trial. The earlier dates will ensure that the Applicant has the opportunity for his matter to proceed to trial within a reasonable time as provided for in the Bail Act.

The Applicant is at liberty to reapply should there be any change in circumstances in the interim.

Dated this 7th day February 2024



Justice Guillimina Archer- Minns