

BETWEEN

**TREVANO JERMAINE GREENE
A.K.A
GLASSES**

Applicant

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

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

Appearances: Trevano Greene Pro se
Ms. Jacqueline Burrows for the Respondent

Hearing Date: 28 February, 2024

RULING - BAIL-

Archer-Minns J

1. Trevano Greene (D.O.B: 1st January, 1994) the Applicant (hereinafter the **Applicant**) makes application via a Bahamas Department of Corrections Request Form dated 3 January, 2024 for admission to bail having been charged with one (1) count of Murder and one (1) count of Attempted Murder contrary to sections 291(1)(b) and 292 of The Penal Code, Chapter 84 respectively. The Respondent opposed the application and in connection therewith relied on its Affidavit in Response dated 12 February, 2024 of Shaneka Carey Counsel in the Respondent's office.
2. The Applicant who appeared Pro se in the application submitted inter alia that:
 - i. he was the breadwinner of his family;
 - ii. he has a two year old son;
 - iii. he was previously employed;
 - iv. he has an antecedent but the offences are not similar in nature to the offences for which he seeks admission to bail;
 - v. he has never been before the Supreme Court previously for the grant of bail.

In the circumstances, he is a fit and proper candidate for admission to bail.

3. The Respondent opposed the application and relied essentially on their Affidavit previously filed on 22 November 2023. Additionally, Counsel by way of oral submissions advanced that:
 - i. the Applicant is well known to the virtual complainant with respect to the Attempted Murder charge;
 - ii. they both attended the Boy's Industrial School and this is where the problem commenced between the two and subsequently intensified after their release therefrom;
 - iii. the deceased victim was in the area where the Applicant is said to have fired shots at the virtual complainant in relation to the Attempted Murder charge;
 - iv. the antecedent of the Applicant indicates that he is not a person of good character;
 - v. there has been no unreasonable delay in the prosecution of the matter. The Applicant's trial date is scheduled for 28 April, 2025.

In all of the circumstances of the case, Counsel contended that the Applicant is not a fit and proper candidate for bail and ought not be admitted to bail.

4. The Court heard the submissions of the Applicant and Respondent and considered the contents of the Affidavit in Response of the Respondent filed on 22 November 2023 as well as that of 23 March 2023. The issue for the Court to determine is whether the Applicant herein in the circumstances of the case should be admitted or not admitted to bail.

5. The Constitution of The Bahamas affords to all persons charged with a criminal offence a presumption of innocence and the right to apply for bail. **The Bail Act** also gives judicial officers a discretionary power to admit or not admit an Applicant to bail. Given the nature of the charges with which the Applicant has been charged, the Court had regard to the relevant provisions of the Bail Act particularly **Section 4 and The First Schedule of The Act**.
6. The Applicant has made application before the Court for admission to bail in relation to VBI No. 293/11/2022 for the charges of Murder and Attempted Murder which allegedly occurred on 10 September 2022. Trial dates in respect of the charges have been scheduled for 28 April 2025- a Back-up Trial Date and 10 November 2025 - a Fixed Trial Date. In accordance with the Bail Act, these dates fall within the three year guideline period which is considered to be reasonable for a trial to be had. Currently, there is no undue delay in the prosecution of this matter and the same is within the normal trajectory for trials to be had in matters of this kind.
7. The Court is cognizant that the Applicant previously applied for admission to bail before Justice Gregory Hilton in May 2023. Bail was denied on 25 May 2023. This notwithstanding, the Court gave due consideration to the current application before it; submissions of the Applicant and Respondent The Constitution, relevant provisions of The Bail Act, and all relevant authorities.
8. The Court notes the antecedent form of the Applicant and the multiple convictions dating from September 2015 to October 2019 inclusive of Assault with a Deadly Weapon and Threats of Harm. This record clearly indicates that the Applicant is not an individual of good character which is a factor to be considered in the determination of whether to grant or refuse bail.
9. The Court further notes from the Respondent's Affidavit in Response of 23 March 2022 that reliance was placed on the Applicant's antecedent, his admitted ongoing feud with the virtual complainant and persons associated with the deceased as well as his gang affiliations are all factors which ought to be considered against the Applicant being admitted to bail. He is considered a danger to society and the likelihood of him committing further offences if granted bail was a heightened risk. These averments in the Court's view certainly support the Respondent's contention that the safety of the prosecution witnesses, the Applicant himself, the public and public order are of paramount concern.
10. The Court having considered the Constitution, the relevant provisions of the Bail Act, the Bail Ruling of Justice Gregory Hilton, submissions of the Applicant and Respondent, the Court so finds that there has been no substantial change in the circumstances of the case save for the effluxion of time. The scheduled trial dates

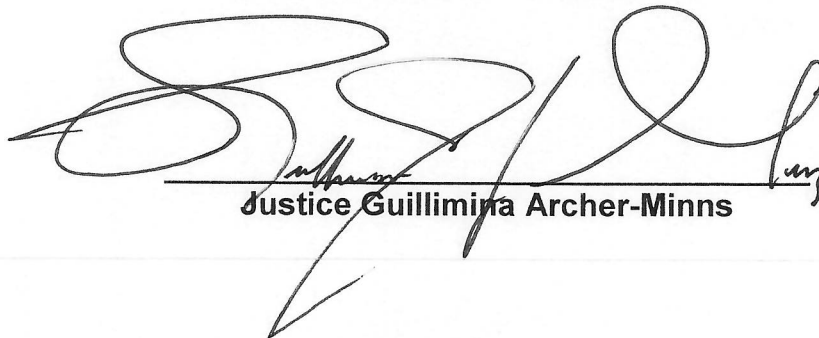
are nevertheless, within the three year guideline period which is considered a reasonable period for which a trial should be had. Undue delay in the prosecution of this matter is currently not an issue.

11. The Court endorses the finding of Justice Gregory Hilton of 25 May 2023 and is satisfied that:

- i. there is a sufficiency of evidence implicating the Applicant in the commission of the offences 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 are of paramount concern particularly given the averments of the Applicant's ongoing feud with the virtual complainant and persons associated with the deceased and his association with gangs and;
- iv. there are no conditions that can be imposed by the Court to minimize the risks involved with the grant of bail.

In the circumstances as aforesaid bail is denied. The Applicant is to continue his remand in custody. Should there be any change of the circumstances in the interim, the Applicant is at liberty to reapply.

Dated this 20 day of March 2024.



Justice Guillimira Archer-Minns