

**COMMONWEALTH OF THE BAHAMAS**  
**IN THE SUPREME COURT**  
**Criminal Division**

**2015/CRI/BAL/FP/00083**

**B E T W E E N**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**Applicant**

**AND**

**ANTONIO JOHNSON**

**Respondent**

**Before:** The Honorable Mr. Justice Andrew Forbes  
**Appearances:** Ms. Ashley Carroll for the Director of Public Prosecutions  
Mr. Kendal Knowles for the Respondent  
**Hearing Date:** 12 August 2025

**RULING**

**FORBES J,**

## **BACKGROUND**

[1.] Having heard the Applications of both the Crown and Respondent's Counsel, the Court gave an oral decision to revoke the bail of the Respondent and remand the Respondent to the Bahamas Department of Correctional Services, as the bond was already forfeited. The Court indicated it would condense its reasons into writing and does so now.

[2.] The Respondent, along with another, was arrested on the 22<sup>nd</sup> July 2016 and charged with attempted murder contrary to section 292 of the Penal Code, Chapter 84, and possession of a firearm to endanger life contrary to section 33 of the Firearms Act, Chapter 213. He appeared before Madam Justice E. Gray-Evans on 12 April 2018 on a Bail Application. Bail was granted for Nine Thousand Dollars (\$9,000.00) with one or two sureties. The Respondent was required to report to the Central Police Station every Monday, Wednesday, and Friday, on or before 8:00 pm, and was fitted with an Electronic Monitoring Device. The Respondent was to report to Court No. 3 until the completion of his case.

[3.] An Affidavit in Support of the Application was filed by the Crown on 25 April 2025, sworn by Police Corporal 3913 Harris Cash, who avers that he is a liaison Officer at the Director of Public Prosecution. He noted that the Respondent was charged with attempted murder and possession of a firearm to endanger life and duly granted bail. A Voluntary Bill of Indictment No. 298/12/2017 was filed with reference to the charges. The Respondent appeared before the Court on 19 September 2023 to reschedule the trial dates of the Respondent and his co-accused. The Respondent failed to appear for Pre-Trial Review on 17 June 2024. He failed to appear before the Court for Pre-Trial Review on 17 July 2024, 30 September 2024, 19 November 2024, 27 January 2025, 3 March 2025, and 23 April 2025, and as a result, a bench warrant was issued. That Carla Hall is the surety of the Respondent.

[4.] Officer Cash avers that the Affidavit was sworn in support of the Revocation of Bail and that the Respondent was not a fit and proper person to remain on Bail and that Nine Thousand Dollars (\$9,000.00) be forfeited to the Crown.

[5.] On 13 May 2025, the Court forfeited the bail of the Respondent, and Ms. Hall was made to pay Five Hundred Dollars (\$500.00) until the Nine Thousand Dollars (\$9,000.00) was liquidated. And in default, the Surety is liable to possible conviction and sentence.

[6.] The Court heard arguments from the Respondent, who offered an alleged reason for the Respondent's absence: that an officer told the Respondent to leave the island of Grand Bahama

and threatened his life if he did not do so. In submissions to the Court, Counsel for the Respondent stated the following:

- a. That the Bail Act establishes that the revocation for bail and the offence of breach of bail should be heard at the same time;
- b. That the Court should first move to impose more strict conditions;
- c. That there is no credible evidence before the Court that the Respondent absconded; and
- d. That in all the circumstances the bail of the Respondent ought not to be revoked.

[7.] The Crown, in its submissions, stated the following:

- a. That breach of bail is a sufficient reason for the Respondent to be remanded to prison (see **DPP v Clydon Stubbs** 2019/Cri/bail/00356);
- b. That sufficient evidence was produced to demonstrate the willful absence of the Respondent;
- c. That the Respondent is not a fit and proper person for bail;
- d. That counsel represented the Respondent and never voiced these alleged security concerns; and
- e. That there are no conditions that could be put in place that can mitigate the Respondent from absconding.

## LAW

[8.] The Application made by the Crown concerns the revocation of bail. The Court notes that the application is made in pursuance of the Court's inherent jurisdiction. However, as Counsel for the Respondent mentioned, the procedure for the time of the hearing of a bail application will be addressed by the Court. Section 12A of the Bail Act states:

*12A.12 (1) Any person released on bail in criminal proceedings who breaches any conditions of bail commits an offence.*

*(2) Where a person is arrested on reasonable grounds that he committed an offence under subsection (1) and is brought before a Magistrate, the person shall be remanded in custody pending the trial and sentencing for the offence.*

*(3) Where a person is convicted of an offence under subsection (1), the prosecution shall, within twenty-one days of his conviction, make an application to the court which granted the bail, for the revocation of the bail in respect of which he was convicted.*

*(4) The prosecution shall give to the convicted person seven days' notice of the hearing of the application. 12B. Penalty for violating conditions of bail. (1)13 An offence under section 12A is punishable on summary conviction to a term of imprisonment not exceeding five years. (2) In criminal proceedings for an offence under section 12A, a document purporting to be a copy of the part of the prescribed record which relates to granting<sup>14</sup> of bail of the accused person, and duly certified to be a true copy of the record, shall be evidence of the conditions of bail.*

[Emphasis added.]

## ANALYSIS AND DISCUSSION

[9.] The issues before the Court are whether the Court should consider revoking the respondent's bail and whether the Court should forfeit the bond executed by the sureties to the Crown.

[10.] The current law did not exist at the time the Respondent was initially granted bail. However, this Court is of the view that the Court of Appeal has expressed decisions that are dispositive of that issue. Firstly, in the more recent case of **Riclaude Tassy v. The Director of Public Prosecutions** SCCrApp. No. 129 of 2022, the Court at paragraph 16 said as follows:

*"Nothing in the Bail (Amendment) Act, 2016, and sections 12A and 12B curtailed or modified the provisions of section 12 of the Bail Act and the power of the courts to revoke bail."*

[Emphasis added.]

[11.] Further, in the Case of **Bartholomew Pinder v. The Queen** SCCrApp. No. 94 of 2020, where at paragraph 26, the Court said the following:

*"In my judgment, there was ample jurisdiction in a judge of the Supreme Court to revoke bail granted by that court. The fact that section 12 was recited in the summons is inconsequential. If the issue of jurisdiction had been raised by the appellant before Justice Turner he could have readily granted leave to the Crown to amend the summons to refer to the courts inherent jurisdiction. This ground has no merit and cannot be the basis for allowing an appeal against the judge's decision to revoke the bail if the decision was otherwise correct..."*

[Emphasis Added]

[12.] Also, the decision of the Court of Appeal as delivered by *Turner JA* in the case of **Lindsay Shriver & Terrence Bethel v. The Director of Public Prosecutions** SCCrApp. No. 193 & 194 of 2024 at para 54 stated as follows:

*"A court considering an application for bail, or indeed an application seeking to revoke bail, is able to draw conclusions based on the information placed before the court on the likelihood of an accused person appearing for his trial. The requirement in the Bail Act is for there to be 'substantial grounds for believing' that the applicant would not appear."*

[13.] The Court, again, takes comments from the **Shriver case**. The Court said:

*"A court is able to consider the applicant's safety and, further, that this issue, if the applicant's life is found to be in danger, is a sufficient basis on its own to deny an applicant bail. There is no legislative prohibition on the scope of the court's consideration. However, the court is required to consider whether any steps may be taken to allay these concerns..."* The Court is unclear how to address these concerns so as to ensure the safety of the Respondent as he has failed to offer any cogent details as to who he believes placed this bounty as he called it. In the view of the Court to ensure the Respondent's safety his further remand is optimal. The Court takes its direction from the case of **Dentwan Grant v. The Director of Public Prosecutions** SCCrApp. No.69 of 2022, where the Court said as follows:

*"25. However, it cannot be gainsaid that the Judge was fully entitled to consider the safety of the Appellant as one of the factors for her to weigh in the scale pertaining to whether or not to grant the Appellant bail based on the strength of the material provided to her by the Respondent, namely, the Appellant's car had been shot at some days before*

*the murders took place, an event the Appellant admitted occurred in his Record of Interview with the police.*

*26. Part A of the First Schedule to the Bail Act states, inter alia as follows: 'The Court shall deny bail to a defendant in any of the following circumstances — (b) where the Court is satisfied that the defendant should be kept in custody for his own protection or, where he is a child or young person, for his own welfare;'*

*27. Once there is a basis for the Court to conclude that an accused person's life may be in danger if he is released on bail - and the attack days earlier on the Appellant provides such a basis the Court is obliged by the mandatory "shall", to deny bail to the Applicant. However, a caveat may be applicable here, to wit, if the Applicant is able to demonstrate to the Court that notwithstanding a finding that his life may be in danger if released on bail, he is able to minimize that risk either by relocation to another island or by remaining under house arrest, the Court ought to have regard to such conditions when deciding whether or not to grant bail.....*

*29. In the premises, the Judge's decision to deny bail to the Appellant on the ground that the Appellant's life may be in danger is explicable and cannot be said to be unreasonable because she has taken into account an irrelevant matter or failed to consider a relevant matter. She was entitled on that basis alone to deny him bail."*

[Emphasis Added]

[14.] The Respondent has habitually not made himself present at Court on his adjourn dates and has not complied with the conditions of the Court. The Court no longer views him as a fit and proper person for bail and cannot impose any further conditions to ensure his appearance at trial. Moreover, the Court has no evidence or proof of the allegations of threats made to the Respondent. Furthermore, the Respondent is represented by counsel and had over two years to bring these allegations to the Court or the Crown; however, he only does so when the Court is considering revoking his bail, and therefore, views his absence as willful.

## DISPOSITION

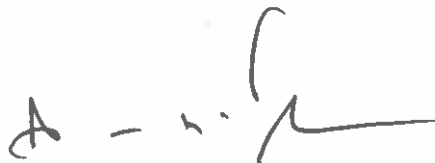
[15.] The bail of the Respondent is revoked and he is remanded to the Bahamas Department of Correctional Services, as the Court finds that he is not a fit and proper person for bail and no conditions can be imposed to ensure his appearance at trial.

[16.] The surety is required to pay the bond as required.

[17.] The Respondent is at liberty to reapply.

[18.] Parties aggrieved may file an Appeal.

Dated this 6<sup>th</sup> day of October, A. D. 2025

A handwritten signature in black ink, appearing to read 'A. Forbes', is written over a horizontal line.

Justice Andrew Forbes