

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION

2024/CRI/Bal/00041

BETWEEN

SAMUEL MEADOWS

Applicant

V

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

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

Appearances: The Applicant pro se

Mr. Akire Nichols for the Director of Public Prosecutions

Hearing Date: 13 May 2025

RULING ON BAIL

Williams J

[1.] The applicant Bahamian citizen is charged with Murder for which he was denied bail by Braithwaite J on 25 March 2024 and by myself on 13 May 2025. He makes this application by form given remanded persons; it is not attended by affidavit. Information of the applicant's personal circumstances is gleaned from affidavits filed in support of previous applications. The applicant is thirty four (34)

years of age. He was at the time of his arrest and remand a construction worker. He has a previous convictions for possession of firearm, possession of ammunition, and possession of dangerous drugs.

[2.] I made an oral ruling on 13 May 2025 refusing the grant of bail; I now put my reasons therefor in writing.

[3.] The respondent relies on the affidavit of Vashti Bridgewater, in opposition to the application, and to which are exhibited a number of reports, including that of an eyewitness. The applicant is alleged to have murdered Keith Barr, who was himself on bail for murder on 16 December 2023

LAW AND ANALYSIS

[4.] The presumption of innocence obtains.

[5.] Allen P in **Richard Hepburn v The Attorney General** SCCr.App. No. 276 of 2014 summed up the tension of competing interests at stake on an application for bail:

“The general right to bail clearly requires judges on such an application, to conduct realistic assessment of the right of the accused to remain at liberty and the public’s interest as indicated by the grounds prescribed in Part A for denying bail. Ineluctably, in some circumstances, the presumption of innocence and the right of an accused to remain at liberty, must give way to accommodate that interest.”

[6.] On an application for bail pursuant to section 4(2)(c), I am required to consider the relevant factors set out in Part A of the First Schedule, as well as the provisions of section 2B.

[7.] There has not been unreasonable delay in trial.

[8.] In considering the relevant factors on an application for bail I note that the applicant is charged with a serious offence, involving the use of a firearm. With respect to the seriousness of the offences, I am mindful that this is not a freestanding ground for the refusal of a bail application, yet it is an important factor which I must consider in determining whether the accused is likely to appear for trial.

[9.] In the Court of Appeal decision of *Jonathan Armbrister v The Attorney General* SCCrApp. No 45 of 2011, the court stated:

“The seriousness of the offence, with which the accused is charged and the penalty which it is likely to entail upon conviction, has always been, and continues to be an important consideration in determining whether bail should be granted or not. Naturally, in cases of murder and other serious offences, the seriousness of the offence should invariably weigh heavily in the scale against the grant of bail.”

[10.] I note also the dicta of the Court of Appeal in *Jeremiah Andrews v The Director of Public Prosecutions* SCCrApp No. 163 of 2019:

“30. These authorities all confirm therefore the seriousness of the offence, coupled with the strength of the evidence and the likely penalty to be imposed upon conviction, have always been, and continue to be important considerations in determining whether bail should be granted or not. However, these factors may give rise to an inference that the defendant may abscond. That inference may be weakened by the consideration of other factors disclosed in the evidence. e.g. the applicant’s resources, family connections.”

[11.] While no direct evidence has been provided that the applicant will not appear for trial, the possible penalty consequent upon conviction raises the likelihood of not appearing for trial.

[12.] Such likelihood is contrasted with the nature of the evidence against the applicant. In *Cordero McDonald v The Attorney General* SCCrApp No.195 of 2016, Allen P stated:

“It is not the duty of a judge considering a bail application to decide disputed facts or law. Indeed, it is not expected that on such an application a judge will conduct a forensic examination of the evidence. The judge must simply decide whether the evidence raises a reasonable suspicion of the commission of the offences by the appellant, such as to justify the deprivation of his liberty by arrest, charge and detention. Having done that he must then consider the relevant factors and determine whether he ought to grant him bail.”

[13.] On the issue of cogency of evidence, I note the dicta of the Court of Appeal in *Stephon Davis v DPP* SCCrApp. No. 20 of 2023:

“In our view “strong and cogent evidence” is not the critical factor on a bail application. The judge is only required to evaluate whether the witness statements show a case which is plausible on its face. To put it another way, there must be some evidence before the court capable of establishing the guilt of the appellant. In essence, the test is prima facie evidence, comparable to what is required at the end of the prosecution’s case in a criminal trial. We can find a useful summary of the strength of the evidence required at the end of the prosecution’s case in Ellis Taibo [1996] 48 WIR I

“On a submission of no case to answer, the criterion to be applied by the trial judge is whether there is material on which a jury could, without irrationality, be satisfied of guilt; if there is, the judge is required to allow the trial to proceed.”

[14.] While I bear in mind that I am not to engage in a forensic examination of the evidence, the evidence, in my view discloses a prima facie case. In particular, the respondent’s affidavit states that the applicant is identified by an eyewitness as the person seen standing over the deceased and firing shots at him.

[15.] In considering the question of bail (including conditions to be imposed, if any), the court is required to conduct a balancing exercise between the applicant’s right to liberty, and the need to protect the public safety and order.

[16.] I take judicial notice of the high incidence of retaliatory killings; the applicant, is, *ipso facto*, a likely target. The deceased was himself on bail for murder. I take judicial notice of the deaths of innocent persons, killed when found to be in the vicinity, or in the company of, targeted persons. I am concerned that the applicant, who has been convicted of firearms and ammunition offences, is, reasonably, likely to commit an offence or offences if released on bail. There is in my view, **in all of the circumstances of this particular case** a need to protect the public [safety and order].

[17.] I have considered what conditions might be imposed herewith, that is reporting, electronic monitoring and curfew. In my view, said conditions suffice to ensure only the applicant’s attendance for trial; they suffice neither to protect the public order and safety nor prevent re offending.

[18.] In the premises, having considered all of the particular circumstances of this case, I find that the applicant is not a fit and proper candidate for the grant of bail. The application is refused.


Franklyn K M Williams MB KC

Justice

16 October 2025