

**COMMONWEALTH OF THE BAHAMAS**  
**IN THE SUPREME COURT**  
**CRIMINAL DIVISION**  
**2025/CRI/BAL/00052**

**BETWEEN**

**DOMINIQUE RECKLEY A.K.A. “FREDDY”**

**Applicant**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION**

**Respondent**

**Before:**                    **The Honourable Madam Justice Weech-Gomez**

**Appearances:**        **Applicant Pro Se**  
                              **Mr. Timothy Bailey for the Respondent**

**Hearing Dates:**        **11 November 2025.**

**RULING – BAIL DECISION**

**Criminal Law – Bail – The Constitution – Bail Act, Chapter 103 (as amended) – Application for bail variation- conditions of bail**

**WEECH-GOMEZ, J.**

**Introduction**

[1.]     The Applicant is charged with the offence of Murder contrary to section 291(1)(b) of the Penal Code Chapter 84. The Applicant moved the court for bail by the filing of an Application dated 28<sup>th</sup> October 2025. The Applicant, in his oral submission states that he has been in prison

for one year and four months. He wants bail to go home and see his family namely his mother, nieces and nephews and to hire a lawyer to fight his case. He further states that he is not gang related and is requesting bail.

### **Respondent's Affidavit Evidence**

[2.] In opposing the application, the Respondent filed the Affidavit of Betty Wilson, Attorney in the Office of the Director of Public Prosecutions, to which are exhibited a number of documents. I duly note paragraphs [9] to [13] of the Affidavit wherein it states:

**“9. That in relation to the charge of Murder, contrary section 291(1)(b) of the Penal Code, Chapter 84, it is alleged that while on Sunshine Park, around 10 p.m on Thursday, 18<sup>th</sup> June 2024, the Applicant and the deceased who were familiar with each other, got into a verbal altercation. Following the verbal altercation, the deceased followed the Applicant home but returned to Sunshine Park a few minutes later. A short time later, it is alleged that the Applicant and another male returned to Sunshine Park where a physical altercation ensued, and the deceased was stabbed multiple times by the Applicant. There is now produced and shown to me marked as Exhibit “BW.-2” a copy of the statement of the deceased, Thyrique Nathan Francis. There is also produced and shown to me marked as Exhibit “B.W.-3” a copy of the deceased’s death certificate.**

**10. That in addition to the information provided by the deceased as noted in Paragraph 9, Clifford Miller reported that he was present on Sunshine Park when the verbal and physical altercation occurred between the Applicant and the deceased. That Mr. Miller also positively identified the male he knows as “Freddy” and as the male he observed in the altercation with the deceased.**

**11. That in addition to the statements from the deceased and Mr. Miller in Paragraphs 9 and 10, a Record of Interview was conducted with the Applicant on the 22nd July 2024, where (sic) the Applicant admitted to producing a knife which was used to stab the Applicant (questions 18-21).**

**There is now produced and shown to me marked as exhibit “B.W.-8” a copy of the Record of Interview conducted by D/Cpl. 4073 Ramsey.**

**12. That the Respondent verily believes that the evidence against the Applicant, including the Applicant’s admission of his involvement in the matter, is strong and cogent.**

**13. That the offence is of a serious nature and there is strong and cogent evidence that the Applicant is guilty of the alleged offences.”**

### **LAW AND ANALYSIS**

[3.] The Applicant is presumed to be innocent of all charges unless and until he has been convicted. By virtue of **Article 20(2)(a)** of The Constitution of The Bahamas:

**“20.(2) Every person who is charged with a criminal offence – (a) shall be presumed to be innocent until he is proved or has pleaded guilty.”**

[4.] Furthermore **Article 19(1)** provides as follows:

**“19.(1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases-**

- (a) In execution of the sentence or order of a court, whether established for The Bahamas or some other country, in respect of a criminal offence of which he has been convicted or in consequence of his unfitness to plead to a criminal charge or in execution of the order of a court on the grounds of his contempt of that court or of another court or tribunal;**
- (b) In execution of the order of a court made in order to secure the fulfilment of any obligation imposed upon him by law;**
- (c) For the purpose of bringing him before a court in execution of the order of a court;**
- (d) Upon reasonable suspicion of his having committed, or of being about to commit, a criminal offence;**
- (e) In the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;**
- (f) For the purpose of preventing the spread of an infectious or contagious disease or in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;**
- (g) For the purpose of preventing the unlawful entry of that person into The Bahamas or for the purpose of effecting the expulsion, extradition or other lawful removal from The Bahamas of that person or the taking of proceedings relating thereto; and without prejudice to the generality of the foregoing, a law may, for the purposes of this subparagraph, provide that a person who is not a citizen of The Bahamas may be deprived of his liberty to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within The Bahamas or prohibiting him from being within such an area.**

**(2)...**

**(3) Any person who is arrested or detained in such a case as is mentioned in subparagraph (1)(c) or (d) of this Article and who is not released shall be brought without undue delay before a court; and if any person arrested or detained in such a case as is mentioned in the said subparagraph (1)(d) is not tried within a reasonable time he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.”**

**[5.] Section 4(2) of the Bail Act, provides:-**

**“(2) Notwithstanding any other provision of this Act or any other law, any person charged with an offence mentioned in Part C of the First Schedule, shall not be granted bail unless the Supreme court of the Court of Appeal is satisfied that the person charged –**

**(a) has not been tried within a reasonable time;**

**(b) ~~is unlikely to be tried within reasonable time; or~~**

**(c) should be granted bail having regard to all the relevant factors including those specified in Part A of the First Schedule and subsection (2B), and here the court makes an order for the release, on bail, of that person it shall include in the record a written statement giving the reasons for the order of the release on bail.**

**(2A) For the purpose of subsection (2)(a) and (b) –**

**(a) without limiting the extent of a reasonable time, a period of three years from the date of arrest or detention of the person charged shall be deemed to be a reasonable time;**

**(b) delay which is occasioned by the act or conduct of the accused is to be excluded from any calculation of what is considered a reasonable time.**

**(2B) For the purpose of subsection (2)(c), in deciding whether or not to grant bail to a person charged with an offence mentioned in Part C of the *First Schedule*, the character or antecedents of the person charged the need to protect the safety of the public or public order and, where appropriate, the need to protect the safety of the victim or victims of the alleged offence, are to be primary considerations.”**

[6.] The factors the Court must take into account when considering the grant of bail is set out in **Part A** of the First Schedule to the **Bail Act**, which provides as follows:

**“In considering whether to grant bail to a defendant, the court shall have regard to the following factors—**

**(a) whether there are substantial grounds for believing that the defendant, if released on bail, would –**

**(i) fail to surrender to custody or appear at his trial;**

**(ii) commit an offence while on bail; or**

**(iii) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;**

**(b) whether the defendant should be kept in custody for his own protection or, where he is a child or young person, for his own welfare;**

**(c) whether he is in custody in pursuance of the sentence of a Court or any authority acting under the Defence Act;**

**(d) whether there is sufficient information for the purpose of taking the decisions required by this Part or otherwise by this Act;**

**(e) whether having been released on bail in or in connection with the proceedings for the offence, he is arrested pursuant to section 12;**

**(f) whether having been released on bail previously, he is charged subsequently either with an offence similar to that in respect of which he was so released or with an offence which is punishable by a term of imprisonment exceeding one year;**

(g) **the nature and seriousness of the offence and the nature and strength of the evidence against the defendant..”**

[7.] Having considered the factors set out in Part A of the First Schedule as well as the provisions of section 4(2), I duly note the court role in **Jonathan Armbrister v A.G. SCCrim App. No.145 of 2011** where at John JA at paragraph 13 states:

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

[8.] In **Jeremiah Andrews vs. The Director of Public Prosecutions SCCrApp No. 163 of 2019** at paragraph [30] states:

**“30. These authorities all confirm therefore that the seriousness of the offence, coupled with the strength of the evidence and the likely penalty which is likely 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 can be weakened by the consideration of other relevant factors disclosed in the evidence. eg the applicant’s resources, family connections.”**

[9.] I note that no direct evidence was provided that the Applicant will not appear for his trial, the possible penalty likely to follow a conviction raises a real possibility of him not appearing for trial.

[10.] It is not the duty of a Judge during a Bail Application to conduct a mini trial of the evidence. In **Cordero McDonald v. The Attorney General SCCrApp. No. 195 of 2016** at paragraph 16 the Court of Appeal echoed the following:

**“34. As this Court has said on many occasions, 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.”**

[11.] The prosecution has the duty to try the accused within a reasonable time and the court must balance the matters advanced by both sides and determine whether there has been or is likely to be unreasonable delay in bringing the applicant to trial: Further considerations was espoused in Richard Hepburn and **The Attorney General SCCrApp. No. 276 of 2014** where Allen JA at paragraph 11 noted that

**“The general right to bail clearly requires judges on such application, to conduct realistic assessment of the right of the accused to remain at liberty and the public’s**

**interests 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.”**

[12.] In considering the cogency of the evidence, 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 that 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.”**

[13.] Having reviewed the evidence before me, I note that the Applicant was identified by the deceased and a witness as the person allegedly responsible for stabbing the deceased. I note that, in the Record of Interview, the Applicant admitted to having a knife and stabbing the deceased. The offence involved the use of a knife and appears to have been a targeted attack resulting from an earlier confrontation. Notwithstanding this, the Applicant is entitled to the presumption of innocence. However, the evidence amounts to a strong prima facie case against the Applicant and indicates that he poses a danger to public order and safety. Given the nature of the offence, I am satisfied that the evidence against the Applicant is cogent and compelling.

[14.] The fact that evidence has come before this court that the Applicant was convicted of Possession of Dangerous Drugs on 20 October 2022 and was fined \$1500.00 with one year’s imprisonment does not factor in this court consideration for bail. However what does factor in is there is a warrant of arrest pending for Case No. 1-04-007472 for the offence of Possession of dangerous drugs and this suggest that the Applicant is a potential flight risk and may not appear to court on his trial date.

[15.] The Respondent, through the Wilson Affidavit, avers that there is nothing peculiar about the Applicant’s detention to suggest the same is unjustified or unfair, and further submits that the Applicant is not a fit and proper candidate for the grant of bail.

[16.] Having considered the circumstances of the present application, the relevant law, and the submissions of the parties, I am satisfied that the Applicant is not a fit and proper candidate for admission to bail at this time. The present application for admission to bail is therefore denied.

**Dated 19<sup>th</sup> November 2025**

**The Honourable Madam Justice Jeannine Weech-Gomez**