

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

CRIMINAL LAW DIVISION

2025/CRI/Bal/

BETWEEN

Michael Petty Jr

Applicant

V

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

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

Appearances: Mr. Nicholas Mithchell for the Applicant

Mr. Timothy Bailey for the Director of Public Prosecutions

Hearing Date: 13 November 2025

RULING ON BAIL

Williams J

[1.] The applicant Bahamian citizen is charged with one count of murder. He is alleged to have murdered Ashantino Johnson, an officer of HM Department of Corrections (“BDOCS”).

[2.] The applicant makes his application under the Urgent Application for Bail Practice Direction; the same is attended by affidavit. He particularly avers:

“9. It was indicated to me that the deceased in the murder I am alleged to have committed was an officer at the Bahamas Department of Corrections, Fox Hill Detention Facility aka Fox Hill Prison.

10. As a result of this information and the fact that I have subsequently for this offence of which I am innocent, I am not (sic) in fear for my life. There is a lot of talk about this matter on social media I am told there are prison officers who I verily believe may try to harm me in retribution for the death of their colleague, which I did not cause or commit.

...

17. Being remanded into custody at Fox Hill Prison creates a risk for my own safety which is not present if I am admitted to bail on conditions imposed by the Court. I am gravely concerned that I will be mistreated, abused or even harmed if I am remanded to custody. I understand there are officers ready to “Welcome me”. Marked and exhibited hereto as MP-2 a screenshot from Facebook.”

[3.] The respondent points to a facebook post from someone identified as “Da Real Ashley”, alleged to be an officer of the Department of Corrections . The comment is alleged to have been posted on 12 November 2025:

“Can’t wait to say “Welcome to the Bahamas Department of Correctional Services where you will be our number one priority”. There is no evidence that generally speaking colleagues of the deceased harbor any such ill will to the applicant. The applicant avers that the incident is the subject of much social media comment and states, without more, that there exist prison officers who may try to harm him.

[4.] I take judicial notice that correctional officers take an oath which requires each to seek and practice the welfare, care and protection of those placed in the custody of the state. Correctional officers, like all other officers of state, are trained to separate their feelings from the requirements of their oath. I see no reason, and indeed the applicant has provided no evidence, to suggest otherwise. Mr. Doan Cleare, Commissioner of Corrections, acknowledging intensity of emotion of correctional officers exists, nonetheless has assured the Court, and by extension the applicant that no harm will come to him:

“It is our mandate to take the worst of the worst. It is our mandate to make the worst of the worst the best of the best upon their release. It would be a difficult task, but we have to exercise restraint and carry the mandates of the courts. The courts place persons here in our care for us to protect them and to bring them back to court for justice. Although it will be difficult for staff, we have very, very good staff, and they will do their job.”

The Tribune, Thursday November 13, 2025

I take judicial notice of the Commissioner’s reiteration of the mandate of the BDOCS, and the particular assurance given hereon.

[5.] The applicant’s petition does not meet the criteria for an urgent application for bail:

“FROM THE OFFICE OF THE JUDICIARY

Urgent Applications for Bail

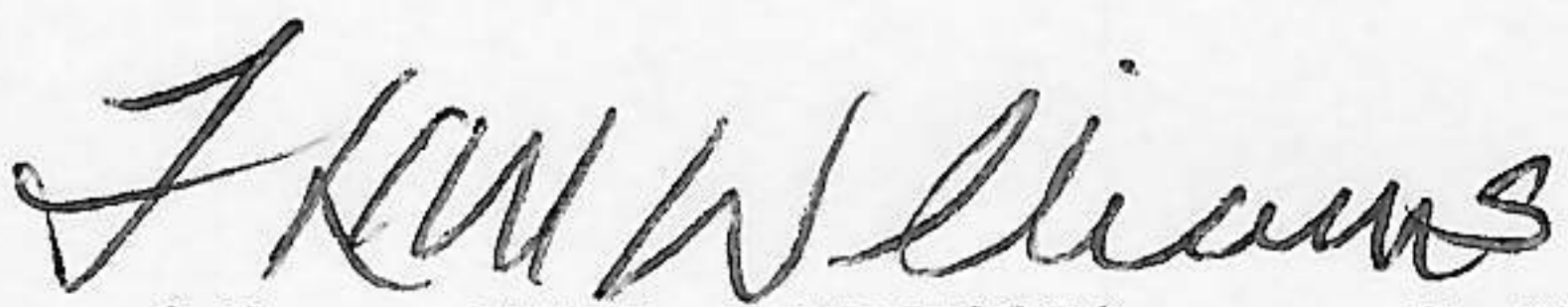
Urgent bail applications must be submitted to the Deputy Registrar who is responsible for the Criminal Registry.

The criteria for such applications are as follows:

- (i) if the applicant is pregnant;**
- (ii) if the applicant is under the age of 18**

- (iii) if, in the opinion of the Deputy Registrar or based on medical evidence, the health of the applicant is at risk by his/her age;
- (iv) if, on the basis of medical evidence, the applicant is ill or suffering from a serious pre existing medical condition; or
- (v) if there is no objection to bail by one of the designated person in the Office of the Director of Public Prosecutions

[6.] Notwithstanding that the application before me does not meet the criteria for urgent consideration, the Court has a discretion. The Commissioner's statement, in my view, is dispositive of the issue raised by the applicant. In the premises, the applicant's urgent bail application is refused.


Franklyn K M Williams MB KC

Justice

13 November 2025