

**COMMONWEALTH OF THE BAHAMAS**  
**IN THE SUPREME COURT**  
**CRIMINAL DIVISION**  
**2024/CRI/BAL/00029**

**BETWEEN**

**CRISTAN N. JOHNSON**

**Applicant**

**AND**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**Respondent**

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

**Appearances: Mr. Ian Jupp for the Applicant**  
**Mr. Timothy Bailey for the Respondent**

**Hearing Dates: 12 November 2025.**

**RULING – BAIL DECISION**

**Criminal Law – Bail – The Constitution – Bail Act, Chapter 103 – First Schedule Part A –  
Application for bail – Attempted Murder – Possession of Firearm with intent to Endanger  
Life – Application for Bail – Whether the Applicant is a fit and proper candidate for bail**

**WEECH-GOMEZ, J.**

## **Introduction**

[1.] The Applicant, Cristan Johnson, is a Bahamian citizen aged 19 years. He is charged with the offence of **Attempted Murder contrary to section 292 of the Penal Code Chapter 84 and Possession of a Firearm with Intent to Endanger Life contrary to section 33 of the Firearms Act, Chapter 213.**

[2.] This is the Applicant's second application for bail. His previous application, dated 4 July 2024, was denied by my learned sister Senior Justice Cheryl Grant-Thompson on 30 October 2024.

[3.] The Respondent objects to the granting of bail and relies on the Affidavit evidence previously filed in opposition in the first Application. The Crown urges the Court to adopt the facts and findings as outlined at page 15 in the earlier ruling and submits that there has been no material change in circumstances sufficient to justify the granting of bail to the Applicant.

[4.] The Applicant has now filed a new application for bail, in which he is asking the Court to reconsider the matter. He relies substantially on the facts advanced in his earlier and previous Bail Application. The Applicant further contends that my learned sister erred in her reasoning in denying his bail application. The Applicant further contends that there has been a change in circumstances warranting the Courts consideration. At paragraphs 6 and 7(b) of his Affidavit he states:

### **“Reasons Why Bail Was Denied**

**6. That on the 30<sup>th</sup> day of October, A.D., 2024, Senior Justice Grant-Thompson denied my application for Bail. I was charged with (i) Attempted Murder (1 Count), and (ii) Possession of a Firearm with Intent to Endanger Life (1 Count). By virtue of Her Ladyship’s written Decision, the denial was based upon the following factors:-**

**(a) The Court was of the opinion that I would be tried within the three (3) year period, which has been deemed reasonable by Parliament.**

**(b) The Court was of the opinion that there was nothing peculiar about my detention, which suggested that it was unjustified or unfair at that time.**

**(c) The Court was of the opinion that if I was released on Bail, I would interfere with the Virtual Complainant (“V.C.”), because we were allegedly well known to each other, and we also allegedly live within close proximity of each other.**

**(d) The court was of the opinion that the V.C and I were allegedly members of rival gangs.**

**(e) The Court was of the opinion that if I was released on Bail, I would allegedly be a flight risk, due to the nature and seriousness of the alleged offence.**

**(f) The Court took judicial notice of the retaliatory killings in the country, and was of the opinion that I allegedly needed to be remanded for my own safety.**

**(g) The Court was of the opinion that if I was released on Bail, public safety may allegedly be compromised, due to members of the public possibly being allegedly caught in the “crossfire” of whatever retaliation may occur between our rival gangs.**

**7. ...**

**(b) There is something peculiar about my detention, which suggest that it is unjustified or unfair at this time, and that is the fact that in July, 2025, I was attacked and stabbed about my torso several times by an assailant in B.D.O.C.S., namely, “MJ”. He is in Cell Block “L”, and I am in Cell Block “K”. In short, those Cell Blocks are directly opposite each other, and I am unsafe in B. D.O. C.S.”**

### **Respondent’s Position**

[5.] The Respondent relies on the Affidavit of Vashti Bridgewater, filed on 24 July 2024, which was also relied upon in the first Bail Application.

[6.] The Respondent maintains that the Applicant was previously denied bail after the Court considered the seriousness of the offences, the strength of the prosecution’s case and the risks posed to public safety and the administration of justice

[7.] The Respondent further contended that the Applicant is facing serious charges involving the use of a firearm and violence against another person. The Respondent submits that the evidence against the Applicant remains strong and that there are no conditions, which could adequately address the risks of interference with witnesses, reoffending, or absconding. Counsel draws the Court’s attention to Barry Knowles, the victim, statement where he admits that the Applicant is a member of a gang and asks the Court to exercise its discretion and keep the Applicant in custody.

### **Issue**

[8.] The issue for consideration is:

#### **i. Whether the Applicant is a fit and proper candidate for bail?**

#### *Legal Principles*

[9.] The fundamental principles governing the grant or refusal of bail are well settled and are familiar to this Court. These principles were articulated in the earlier ruling of Justice Grant-Thompson and were fully canvassed by Counsel in their submissions. I do not propose to restate them in detail here, save insofar as necessary for the determination of this application.

[10.] I reaffirm that although an accused person is presumed innocent, bail can properly be refused if detention before trial is necessary to protect the public, uphold the integrity of the judicial process, or ensure the accused’s attendance at trial. Section 3 of the Bail Act. I note that the applicable factors the Court ought to consider in a request for bail are set out in Section 4 of the Bail Act.

#### *Change In Circumstances*

[11.] Counsel for the Applicant submits that the Applicant is unsafe in Bahamas Department of Corrections Services (“BDOCS”) due to an altercation in the cell block and argues that, if granted bail, the Applicant intends to relocate to the island of Andros. Counsel maintains that the charges remain allegations only and that the Applicant falls within the provisions of the Bail Act. Counsel acknowledges that the trial date is scheduled for 2 ½ years from the date of the incident. Counsel further contends that there is no evidence that the Applicant is a member of a gang and no evidence that he would be a flight risk if released on bail.

[12.] Counsel for the Respondent submits that there has been no material change in circumstances. Counsel maintains that the evidence against the Applicant is cogent and that the Applicant did attempt to murder Barry Knowles.

### *Analysis*

[13.] It is well established that each bail application must be treated as a fresh application. However, where bail has previously been refused, the Court must consider whether there has been a material change in circumstances or whether new matters have arisen that were not previously before the Court.

[14.] In assessing bail, the strength of the prosecution's case is a factor, as it directly affects the risk of flight. An accused who believes there is a good chance of being acquitted is less likely to abscond than one who anticipates an almost certain conviction, particularly in respect of a serious offence carrying severe penalties, may be more inclined to abscond.

[15.] While the seriousness of the offence is not, in itself, determinative ground for refusing bail, it is a relevant consideration in the issue of bail. The constitutional right to liberty under Article 20 and the presumption of innocence require an accused remain at large unless detention before trial is necessary. Every bail application must therefore be assessed on its own facts and circumstances.

[16.] The burden remains on the Crown, on a balance of probabilities, to demonstrate that the Applicant should not be admitted to bail. The Applicant is charged with Attempted Murder and Possession of a Firearm with Intent to Endanger Life, both of which are undeniably serious offences involving an alleged direct threat to life.

[17.] While seriousness alone is not determinative, it is a relevant consideration, particularly where the alleged conduct involves the use of a firearm and a direct threat to life. In assessing the strength of the prosecution's case, I am mindful that this Court must not conduct a trial within a bail application. Having regard to the evidence as outlined in the earlier ruling, I am satisfied that the evidence, discloses a prima facie case against the Applicant. Eyewitness evidence places the Applicant at the scene, and both the victim and another witness identified him as the shooter.

[18.] It is alleged that on 8 December 2023, the Applicant was seen with a handgun, which he discharged at the victim. The Applicant and the victim allegedly know each other from high school, and are alleged to be members of rival gangs. The targeted nature of the offences raises serious concerns regarding the likelihood of retaliation.

[19.] I further note that there has been no unreasonable delay in bringing this matter to trial. I note the Applicant's concern regarding an alleged attack upon him while in custody at BDOCS. However, no independent or supporting evidence has been provided to substantiate this claim. The evidence presented by the Applicant in this application is substantially the same as that advanced in his previous application. I find no substantive or material change in circumstances between the ruling delivered in January 2025 and the present application.

[20.] The Court must at all times balance the Applicant's right to liberty against the interest of public safety and order and this case is no different. Having regard to the cogency of the evidence, the alleged gang affiliation, the close proximity of the Applicant and the victim, the high risk of retaliation, the prevalence of gang related violence, and the general fear of crime within the community, I am satisfied that the risks identified in the earlier Ruling persists.

[21.] I take note of the Applicant's challenge regarding the reliability of the eyewitness evidence. However, to the extent that the Applicant challenges the conclusions reached by the Court in his previous application for bail, I say no more than that the hearing of the Bail Application is not the appropriate place for evaluating or criticizing the merits of the judicial decision.

[22.] Having regard to the circumstances of this case, I am not satisfied that there has been any material change in circumstances sufficient to warrant the granting of bail.

[23.] Accordingly, the Applicant's application for bail is denied.

**Dated 17 December 2025**

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