

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION
2025/CRI/bail/00033

BETWEEN

MARIO STUART

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: **The Hon. Justice Neil Brathwaite**

Appearances: **Applicant Pro Se**
 Ms. Tylah Murray for the Respondent

Hearing Date: **8th September A.D. 2025**

Ruling Date: **20th October A.D. 2025**

RULING ON BAIL

[1.] The Applicant stands charged with the offences of Murder, Abetment of Murder, and Armed Robbery, with respect to incidents which occurred on 26th January 2025. He has already been arraigned in the Supreme Court, and a backup trial date of 5th October 2026 has been fixed, with a substantive trial date of 31st May 2027. He is twenty-one years old and a Bahamian citizen, and proclaims his innocence with respect to the present charges. The Applicant urges the Court to release him on bail, so that he can work to help his two children and two old persons with whom he resides, and so that he can prove his innocence. He claims that he was only arrested because of his car, which was riding with others.

[2.] In opposing the application, the Respondent filed the affidavit of Max Julien, Counsel in the Office of the Director of Public Prosecutions, to which is exhibited an affidavit of

Jacklyn Conyers, also Counsel in the Office of the Director of Public Prosecutions. The documents exhibited to that affidavit allege that on 26th January 2025 Mario Brown, a reputed gang leader from the Kemp Road area, was murdered. Later that day, the Applicant, who lives in the Kemp Road area, is reported to have driven a silver Nissan Note in a convoy of vehicles to various areas of New Providence. Portions of that journey were reportedly captured by CCTV footage, and the license plate of the Nissan Note was noted. The owner of that vehicle was questioned, and confirmed that the vehicle was in the possession of the Applicant. One of the areas visited by that convoy was Finlayson Street, where men from one of the vehicles emerged and fired a number of shots at young men in a yard, before the convoy left the area. Those shots resulted in the death of Philleria Sands, who was asleep in a car with her baby. The Applicant was interviewed under caution, and admitted knowing Mario Brown, and driving the vehicle on the day in question, stating that he was a lookout.

- [3.] With respect to the charge of Armed Robbery, the evidence is that a female was at a gas station when a male got into her vehicle and forced her out at gunpoint. Another male was apparently on a motorbike at the rear of the vehicle. The witness identified the Applicant as the person who was on the scooter, saying that he was the person who robbed her. The antecedents of the Applicant are also attached, and indicate that he has previously been convicted of Possession of Dangerous Drugs.
- [4.] The Respondent submits that the evidence is cogent, and that the Applicant is alleged to have played a part in an incident which brought about the death of an innocent bystander. Counsel further notes that a previous application for bail was refused in May 2025, with the instant application being filed in June 2017. It was submitted that the circumstances of the offences lead to serious concerns for public safety, and submitted that bail should again be denied, as there have been no change in circumstances.
- [5.] As has been submitted by the Respondent, the Applicant in this matter was refused bail in May 2025, approximately four months after his arrest, and submitted a fresh application one month later. In the decision refusing bail, all relevant factors were considered in arriving at a reasoned decision. The Applicant has not suggested that there has been any change of circumstances. Indeed, the only circumstances that have apparently changed are that dates have now been set for the trial of this matter, so that there is no basis for even a suggestion of unreasonable delay.
- [6.] I have considered the earlier decision, and the facts and law pertaining to this matter, as well as the authorities which suggest that there is no prohibition on a renewed application for bail when an initial application has been refused, and that the Court is required to

consider each subsequent application. Having considered the application, there being no change in circumstances, I remain satisfied that the appropriate course is to refuse bail for the reasons set out in my earlier written decision of 14th May 2025. Bail is therefore denied.

Dated this 20th day of October A.D., 2025

A handwritten signature in black ink, appearing to read 'NB', followed by a period.

Neil Brathwaite
Justice

