COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

CRIMINAL LAW DIVISION

2025/CRI/Bal/

BETWEEN

RODMAN KNOWLES

Applicant

V

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

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

Appearances: Ms. Tamika Roberts for the Applicant

Mr. Xandrell Bain for the Director of Public Prosecutions

Hearing Date: 25 November 2025

RULING ON BAIL

Williams J

[1.] The applicant Bahamian citizen is charged with Possession of Unlicenced Firearm contrary to s. 9(2)(a)(i) of the Firearms Act,, possession of Firearm with intent to Endanger Life (3 counts) contrary to s.33 of the Firearms Act, Possession of Ammunition contrary to s. 9(2)(a)(i) of the Firearms Act, and Threats of Death all alleged to have been committed on Saturday 23 December 2023. He claims to have been employed as a jet ski operator at the time of his arrest, and states that he will be disadvantaged in his ability to adequately prepare his defence, and in his ability to support himself and his children.

[2.] The applicant makes his application by summons; the same is attended by affidavit. The opposition to the application is contained in the affidavit of Davina Pinder, counsel of the Office of the Director of Public Prosecutions, to which are appended the statements of the witnesses who are all police officers..

[3.]The presumption of innocence obtains.

[4.] Allen P in ***Richard Hepburn v The Attorney General*** SCCrApp 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 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."**

[5.]In an application for bail pursuant to section 4(2)(c), the Court is required to consider the relevant factors set out in Part A.

[6.] In so considering, I note that the applicant is charged with a number of serious offences involving a firearm and a large quantity of ammunition. I take judicial notice of the increase of firearms and firearm related offences occurring in the country. I am mindful that this is not s freestanding ground for the refusal of

grant of bail, yet it is an important factor that I must consider in determining whether the accused is likely to appear for trial.

[7.] In ***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".**

[8.] In ***Jeremiah Andrews v The Director of Public Prosecutions*** SCCrApp No.163 of 2019, the Court stated:

> **"These authorities all confirm therefore that 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 can be weakened by the consideration of other relevant factors disclosed in the evidence. e.g the applicant's resources, family connection."**

[9.] While no direct evidence has been proffered to suggest that the applicant will not appear for his trial, the applicant is charged with several firearm related offences, the penaltie for which are a lengthy terms of imprisonment.

[10.] 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 the 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.] In considering the cogency of the evidence, the dicta in ***Stephon Davis v DPP*** is instructive:

> **"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 the headnote to the Privy Council's decision in Ellis Taibo [1996] 48 WIR 74:**
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> **"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 should allow the trial to proceed."**

[12.] The prosecution relies on the evidence of the complainants, all police officers, and all of whose involvement occurred "in real time".

[13.] Shotspotter technology led mobile patrol police officers to the Fox Hill area. Officers observed a dark coloured Nissan Cube traveling at a high rate of

speed. The officers stopped the vehicle occupied by two men, one of whom was the applicant. The applicant driver exited the Cube with hands in the air. The passenger exited with what was later determined to be a semi automatic R -15 assault type weapon, which he pointed at the officers. The passenger, who fled a short distance, and was pursued by one of the officers turned and pointed the rifle at that officer who shot him. Meanwhile, the applicant being arrested is alleged to have threatened the lives of the officers: "Why y'all acting like you all don't know who I is. I on bail for murder now; when I get on bail for this I kill all you all.". Upon search of the vehicle, a round of.223 ammunition (same as found in assault rifle) was found at foot of drivers' sideThe applicant, was at the time of his arrest, on bail for murder and attempted murder, conditioned in part, by daily curfew of 9pm – 6am. The applicant has previously been convicted of assault, threats of death and six counts of violation of conditions of bail.

[14.] The respondent submits that the evidence is cogent.

[15.] 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 strong prima facie case.

[16.] The applicant is not of good character

[17.]The applicant applied for, and was refused bail on 25 February 2025 by Braithwaite J.

[18.] 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. The applicant has been convicted of offences of violence. At the time of his arrest here, he was on bail for attempted murder and murder, and found to be in breach of the conditions thereof, in particular curfew. In my view,there are no conditions which would ameliorate the threat to public safety and order that I find the applicant to be, and the implicit threat (likelihood) of reoffending.

[19.] In the premises, bail is refused, the applicant not a fit and proper candidate for the grant of bail.

Franklyn K M Williams MB KC

Justice

8 December 2025