

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Criminal Division

CRI/BAL/00162/2021

BETWEEN

TEVIN FRITZ

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Honourable Justice Darron Ellis

Appearances: Ian Cargill for the Applicant

Timothy Bailey and Tylah Murray for the Respondent

Hearing Date: January 20, 2026

Ruling Date: February 3, 2026

Bail - Bail Act - Application for Bail -Part C Offences - Part A First Schedule- Regard to relevant factors- Section 4(2)-Primary Considerations on a bail application - s. 4 (2) (2B)- Section 4(2)(a)- Whether there has been unreasonable delay - Section 4(2)(c)- Whether the Applicant is a fit and proper candidate for bail -Whether the Applicant should be kept in custody for public safety- Whether the Applicant should be kept in custody for the safety of the Prosecution's witnesses- Whether the Applicant will abscond-Nature and strength of the evidence against the Applicant

RULING ON BAIL

[1.] The Applicant, Tevin Fritz, is charged with one count of armed robbery contrary to section 264 of the Penal Code, Chapter 84 and receiving contrary to section 3568 of the Penal Code, Chapter 84

[2.] The bail application was made by way of a Summons filed on December 18, 2025, supported by an Affidavit sworn by the Applicant and filed on the same date. The Applicant has pleaded not guilty to the current charges and maintains his innocence. He also asserts that he is a fit and proper person for bail.

[3.] Before the Applicant's arrest on October 24, 2025, the Applicant was employed as a General Service Worker with I.C.S. Security, New Providence, Bahamas.

[4.] At the time the application was filed, the Applicant had been in custody since February 29, 2024. The Applicant asserts that he has no pending matters and has always complied with his bail conditions. The Applicant admits to prior convictions, the most recent of which was in 2024 for Escape from Lawful Custody. The Applicant's prior convictions also include Possession of Dangerous Drugs.

[5.] The Applicant further states that he is not a flight risk and will not abscond if admitted to bail, and that he will not interfere with any witnesses in this matter.

[6.] The Respondent filed its Affidavit in Response on October 17, 2025, in opposition to the bail application. In that Affidavit, the Respondent averred that there is sufficient and cogent evidence against the Applicant supporting the charges against him. The Respondent objected to the bail, stating that the Court should take into account the nature and seriousness of the offence along with the previous convictions of the Applicant.

APPLICANT'S SUBMISSIONS

[7.] Counsel for the Applicant relies on an affidavit sworn on December 23, 2025 in support of the bail application.

[8.] The Applicant is charged with armed robbery and receiving. He was arraigned on March 4, 2024, and the matter was transferred to the Supreme Court on August 6, 2025. Counsel submits that the Applicant has been in custody since 2024.

[9.] It is submitted that the Applicant has no previous convictions. While there was a pending rape matter at the time of an earlier bail application, that matter was nolle prosequi on May 13, 2025. Counsel contends that the existence of that pending matter was the principal basis upon which bail had previously been refused, and that this circumstance has now materially changed.

[10.] Counsel further submits that prior to his incarceration, the Applicant was gainfully employed as a security guard with ICS Security, as averred in the affidavit.

[11.] In addressing the Applicant's antecedents, counsel acknowledges an entry from 2014 for possession of dangerous drugs, for which the Applicant was bound over to keep the peace for twelve months. Counsel submits that this matter is spent or expunged. Counsel also addresses a conviction for escape from lawful custody, arising on March 13, 2024, for which the Applicant pleaded guilty and received an eight-month sentence. It is submitted that no other charge arose from the incident giving rise to the escape offence. Accordingly, it is submitted that the Applicant has no pending matters.

[12.] In reply to the Crown's submissions, counsel submits that the record of interview contains no admission by the Applicant that he committed an armed robbery or possessed a firearm. At its highest, counsel submits, the Applicant admitted only to abetment or assistance, namely dropping persons off, and not to direct participation in the robbery. Counsel invites the Court to examine the record of the interview in this regard.

[13.] Counsel further submits that none of the Applicant's prior matters—including the drug offence or the escape—are similar in nature to the present charges. It is also submitted that the drugs matter involved a small quantity of drugs and resulted in an absolute discharge following probation.

[14.] Finally, counsel relies on the Crown's affidavit to submit that the Applicant was previously on bail from July 26, 2021, to February 24, 2024, a period of approximately three years, during which there is no allegation of any breach of bail conditions. Counsel therefore disputes the Crown's assertion that the Applicant has a propensity to offend or to breach bail.

Prosecution's Submissions

[15.] The Crown opposes the Applicant's bail application and relies on an affidavit sworn on October 17, 2025.

[16.] It is submitted that the Applicant was most recently denied bail in September 2025 by Ferguson-Pratt J. In that ruling, the Court found—having regard to the seriousness of the offence and the Applicant’s conviction for escape—that it was not satisfied the Applicant would attend trial. The Crown submits that there has been no material change in circumstances since that decision and relies on the reasoning contained in that ruling.

[17.] The Crown further submits that the evidence against the Applicant is strong and cogent, and that in his record of interview, which is exhibited to the affidavit, the Applicant confessed to committing the offence. Given that the alleged offence involved the use of a firearm, the Crown submits that the Court must place significant weight on public safety considerations.

[18.] In relation to the Applicant’s antecedents, the Crown submits that the Applicant has a previous conviction and relies on section 4 of the Rehabilitation of Offenders Act, contending that, for criminal proceedings, all prior convictions are to be considered. The Crown submits that the relevant conviction is not spent and ought properly inform the Court’s determination of the bail application.

[19.] The Crown further submits that the Applicant is alleged to have committed the present offence in February 2024, and was convicted of escape from lawful custody in March 2024, shortly thereafter. It is submitted that this sequence of events is significant to the assessment of the Applicant’s likelihood of attending trial.

[20.] The Crown also submits that of the period spent on remand, eight months were served as a custodial sentence for the escape conviction, which concluded in November 2025.

[21.] The Crown submits that there has been no unreasonable delay in the prosecution of the matter. The offence is alleged to have occurred in 2024, much of the intervening period was spent serving a sentence, and the Applicant has a trial date fixed for May 2026, approximately four months away.

[22.] Finally, the Crown submits that the Applicant has demonstrated a propensity to abscond, and that there is evidence before the Court that he would fail to attend trial if released on bail. It is contended that there are no conditions the Court could impose that would adequately mitigate the risk of absconding. Accordingly, the Crown submits that the Applicant is not a fit and proper candidate for bail at this time.

LAW & ANALYSIS

[23.] In determining this application, the Court is required to apply the statutory framework set out in Part A of the First Schedule to the Bail Act, bearing in mind the presumption of innocence and the fundamental right to personal liberty, while at the same time ensuring the protection of the public and, where appropriate, the safety of the victim.

[24.] The Applicant is presumed to be innocent of the charges against him until proven guilty. In this regard, **Article 20(2)(a)** of the Constitution of The Bahamas states:-

“Every person who is charged with a criminal offence –

(a) shall be presumed to be innocent until he is proved or has pleaded guilty”.

[25.] **Article 19(1)(b)** further provides that no person shall be deprived of personal liberty, save upon reasonable suspicion of having committed a criminal offence.

[26.] The Court’s powers to grant bail are found in the **Bail (Amendment) Act, Chapter 103, Section 4(2)**, which provides the statutory framework for the grant of bail for part C:-

“4. (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 or 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 a 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 where 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 purposes of subsection (2) (a) ... (a) without limiting the extent of a reasonable time, a period of three years from the date of the 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 to be a reasonable time.

(2B) reads, “For the purposes 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.”

[27.] The **First Schedule Part A of the Bail (Amendment) Act** outlines the relevant factors that the Court must consider in an application for bail, which provides:-

“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.”**

[28.] The evidential burden lies on the Respondent to adequately prove to the Court that the Applicant would fail to surrender himself before the Court, appear at trial, commit an offence while on bail and interfere with witnesses, or otherwise obstruct the course of justice. In the Court of Appeal decision in **Jevon Seymour v Director of Public Prosecutions**, No. 115 of 2019, the Court determined whether the judge at first instance made a proper ruling in denying the applicant bail. At paragraph 65, Crane-Scott, J.A. opined that:-

“...Paragraph (a) of the First Schedule to the Bail Act places an evidential burden on the crown to adduce evidence (i.e. substantial grounds) which is capable of supporting a belief that the applicant for bail “would” if released on bail, fail to surrender to custody or appear at his trial; commit an offence while on bail; or interfere with witnesses or otherwise obstruct the course of justice. The Crown's burden is only discharged by the production of such evidence.”

[29.] Evans J.A. in **Jeremiah Andrews v The Director of Public Prosecutions Appeal No. 163 of 2019** stated that:-

“In order to properly assist the Court, parties are required to provide evidence which will allow the Court to determine whether the factors set out in Part A of the First Schedule to the Bail Act s 4 (2B) exist. We note that all too often the affidavits supplied by the Crown make bare assertions that there is a belief that if the Applicant is granted bail he will not appear for trial; will interfere with witnesses or will commit other crimes. These assertions are meaningless unless supported by some evidence.”

[30.] In **Hurnam v. State of Mauritius** [2006] 1 WLR 857 at paragraph 15, the Court’s approach to bail was:-

“15. It is obvious that a person charged with a serious offence, facing a serious penalty if convicted, may well have a powerful incentive to abscond or interfere with witnesses likely to give evidence against him, and this risk will often be particularly great in drugs cases. Where there are reasonable grounds to infer that the grant of bail may lead to such a result, which cannot be effectively eliminated by the imposition of appropriate conditions, they will afford good grounds for refusing bail....The seriousness of the offence and the severity of the penalty likely to be imposed on conviction may well...provide grounds for refusing bail, but they do not do so of themselves, without more: they are factors relevant to the judgment whether in all the circumstances, it is necessary to deprive the applicant of his liberty. Whether or not that is the conclusion reached, clear and explicit reasons should be given...”

[31.] The Court approaches this application in accordance with the **Bail Act, Ch. 91 of the Statute Laws of The Bahamas**, and in particular **sections 4 and 5**, which govern the grant or refusal of bail in respect of indictable offences.

[32.] Pursuant to **section 4(1) of the Bail Act**, the Court may refuse bail where it is satisfied that there are substantial grounds for believing that the defendant, if released on bail, would:

- fail to surrender to custody;
- commit an offence while on bail; or
- interfere with witnesses or otherwise obstruct the course of justice.

[33.] In determining whether such grounds exist, the Court is required by the Act to have regard to all relevant circumstances, including (among other matters):

- the nature and seriousness of the offence and the likely sentence;
- the strength of the evidence against the defendant;
- the defendant’s character, antecedents, associations and community ties;
- the defendant’s record in respect of previous grants of bail; and
- any previous failure to surrender to custody.

[34.] The Court is also required to consider whether the identified risks can be adequately addressed by imposing bail conditions.

[35.] The Court must balance the Applicant’s constitutional right to liberty against the statutory and common-law considerations governing bail, including the risk of non-attendance, public safety, and the interests of justice.

[36.] The Court first considers whether there has been a material change in circumstances since the Applicant's last unsuccessful bail application. The prior refusal of bail was grounded principally on concerns arising from the Applicant's escape conviction and the seriousness of the present charges. While the Court accepts that the nolle prosequi of a previously pending matter alters the Applicant's criminal landscape to some extent, it does not address or neutralise the core concern previously identified, namely the Applicant's demonstrated willingness to evade lawful custody.

[37.] The Court next considers the strength of the prosecution's case. There is a dispute between the parties as to whether the record of interview amounts to a confession to armed robbery and or merely to abetment. At this stage, the Court does not make findings of fact on the ultimate issue of guilt. However, the Court is satisfied that the Crown's case cannot be characterised as weak, and that the allegations involve the use of a firearm, which necessarily engages serious public safety considerations.

[38.] The Applicant's antecedents are also relevant. The Court places limited weight on the historic drug matter. However, the escape conviction in March 2024, which occurred shortly after the alleged commission of the present offence, is of real significance. It bears directly on the Court's assessment of the likelihood that the Applicant will attend trial. The Court accepts the Crown's submission that, for bail, prior convictions may properly be considered notwithstanding arguments as to whether they are spent.

[39.] I find that the offence of armed robbery is a very serious offence, and that there is direct evidence adduced that the Applicant will abscond. I accept that the Applicant has previously been on bail and that, on that occasion, he complied with his bail conditions and attended court as required.

[40.] The Court also considers that the Applicant is entitled to a trial within a reasonable time. In this regard, Article 19(3) of The Constitution of The Bahamas states:

"19(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 reasonable necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial."

[41.] Furthermore, section 4(2)(A)(a) of the Bail (Amendment) Act 2011 states:

“2(A) 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 the arrest or detention of the person charged shall be deemed to be a reasonable time;”

[42.] In **Duran Neely v The Attorney General Appeals No. 29 of 2018**, Evans JA at paragraph 17 stated:

“17. It should be noted that Section 4 of the Bail Act does not provide the authorities with a blanket right to detain an accused person for three years. In each case the Court must consider what has been called the tension between the right of the accused to his freedom and the need to protect society. The three year period is in my view for the protection of the accused and not a trump card for the Crown. As I understand the law when an accused person makes an application for bail the Court must consider the matters set out in Section 4(2)(a), (b) and (c). This means that if the evidence shows that the accused has not been tried within a reasonable time or cannot be tried in a reasonable time he can be admitted to bail as per (a) and (b). In those circumstances where there has not been unreasonable delay the Court must consider the matters set out in (c). If after a consideration of those matters the Court is of the view that bail should be granted the accused may be granted bail.”

[43.] Section 4(2)(a) the Bail (Amendment) Act 2011 requires the judge to consider whether there has been such unreasonable delay as will warrant the applicant being admitted to bail because his fair trial rights are in jeopardy. The offence of armed robbery and receiving for which the Applicant is charged occurred on February 24, 2024, and the Applicant was arraigned on December 13, 2024. The date for the Applicant's trial has been set for May 2026, about a year and a half after the arraignment.

[44.] The Court has also considered the period of time spent in custody and the proximity of the trial date. While prolonged pre-trial detention is a relevant factor, the Court notes that a portion of the Applicant's time in custody was attributable to serving a custodial sentence, and that the matter is listed for trial within a defined timeframe.

[45.] Given that the period from the date of arraignment to the date of the Applicant's trial falls within the three years of detention stipulated by Parliament, I find that the Applicant will have a trial within a reasonable period of time.

[46.] Further, there is cogent evidence before the Court that the Applicant is a flight risk or that he would fail to surrender to custody or attend trial if released. In this regard, I do note the findings of the Privy Council in the case of *Hurnam v The State (Privy Council Appeal No. 53 of 2004)(Hurnam)*. Lord Bingham of Cornhill, in delivering the Judgment of the Board, said:

"It is obvious that a person charged with a serious offence, facing a severe penalty if convicted, may well have an incentive to abscond or interfere with witnesses likely to give evidence."

[47.] On that narrow issue, the Respondent has discharged the evidential burden required under paragraph (a)(i) of the First Schedule. The Court also relies on part (e), the nature and seriousness of the offence.

[48.] Having carefully considered the competing submissions, the evidence before the Court and having regard to the circumstances of the case, I am satisfied that there is a real and substantial risk that, if released on bail, the Applicant may not appear for trial. In my judgment, this risk cannot be adequately mitigated by imposing bail conditions. The need to ensure attendance at trial and to preserve public order must, in the circumstances of this case, outweigh the Applicant's right to liberty pending trial.

[49.] Accordingly, applying the statutory considerations under the Bail Act and having regard to all the circumstances of the case, I find that the Applicant is not a fit and proper candidate for bail, and the application is therefore refused.

[50.] Furthermore, I am of the view that the release of the Applicant on bail would be detrimental to the public's protection and safety, which are paramount.

[51.] I find that the only way to ensure the Applicant is present for his trial and that the public is safe is to have the Applicant remain in the custody of the state at the Bahamas Department of Corrections.

[52.] The Applicant is denied bail for the following reasons.

1. The Applicant's trial will be conducted in a reasonable time and therefore, the consideration according to section 4(2)(a) of the Bail (Amendment) Act 2011 has not been satisfied in my view;

2. The Applicant's character is not a good one based on his previous convictions, and therefore, the primary consideration according to section 4(2B) of the Bail (Amendment) Act 2011 has not been satisfied in my view;
3. The Applicant, if granted bail, is likely to abscond due to the severity of the charges as well as the evidence against him raising a reasonable suspicion of having taken part in the commission of the offence; and
4. I am also concerned for the safety and the protection of the prosecution witnesses. I therefore also deny bail in the public interest. The release of the Applicant on bail would, in my view, be detrimental to the protection and safety of the public, which is paramount.

Dated this 3rd February A.D. 2026

The Hon. Mr Justice Darron Ellis