

**COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
Criminal Division  
CRI/BAL/000052026**

**BETWEEN**

**ZENARD ROLLE**

**Applicant**

**AND**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**Respondent**

**Before:** The Honourable Madam Justice Renae McKay

**Appearances:** Rzhard Humes for the Applicant  
Vashti Bridgewater for the Respondent

**Hearing Dates:** 30<sup>th</sup> January, 2026

**BAIL DECISION**

[1.] The Applicant, Zenard Rolle (**“The Applicant”**) made an Application to be admitted to bail. The Application for bail was filed by way of Summons and Affidavit in Support on 13<sup>th</sup> January, 2026.

[2.] The Applicant a 30-year-old Bahamian citizen and resident of Mangrove Cay, South Andros, is charged with the following offences:-

- (i) two counts of possession of dangerous drugs with intent to supply;
- (ii) two counts of conspiracy to import dangerous drugs,
- (iii) two counts of conspiracy to possess dangerous drugs with intent to supply,
- (iv) possession of an unlawful firearm, and
- (v) possession of ammunition.

[3.] The Applicant maintained his innocence against the charges and that he is a fit and proper candidate for bail. He also said that he is gainfully employed as a fisherman.

[4.] The bail application is opposed by the Director of Public Prosecutions (**“The Respondent”**). The Respondent relied on its Affidavit in Response filed on 28<sup>th</sup> January, 2026. The Respondent maintains that the Applicant is not a fit and proper candidate for

bail. The Respondent said that the evidence against the Applicant is strong and cogent insofar that the witness statements identify the Applicant and his co-accused who were arrested and detained after a high speed chase on the open seas. The Respondent also maintained the need to protect public safety and order and the safety of the witnesses.

### **Applicant Submissions**

- [5.] Mr. Humes made submissions on behalf of the Applicant. Counsel relied on the Affidavit in Support of the bail application filed herein. He submitted that the Applicant is a first-time offender with no prior convictions or pending matters. He is gainfully employed as a fisherman and has strong ties to the community.
- [6.] Mr. Humes emphasized that all charges arise from a single transaction and that the Applicant is not a flight risk. Counsel suggested that bail conditions, such as reporting to the local police station, could ensure the Applicant's attendance at trial
- [7.] Counsel continued that all of the Prosecution's witnesses are peace officers, some from the United States, reducing the risk of interference. The defense acknowledged the seriousness of the charges and the high value of the drugs but argued that similar offenders have been granted bail and have appeared for trial, especially first-time offenders
- [8.] Counsel further submitted that the offenses are summary matters, not of the type (such as murder) that typically incentivize absconding. He also pointed out that the firearm was found on the vessel, not on the Applicant's person,
- [9.] Mr. Humes finally submitted that the presumption of innocence applies and challenged the Prosecution's reference to international attention and extradition risks, arguing that these should not influence the bail decision

### **Respondent Submissions**

- [10.] Ms. Bridgewater made submissions on behalf of the Respondent. She relied on the Affidavit in Response filed on 26<sup>th</sup> January, 2026 and opposed the bail application herein.
- [11.] The Prosecutor stressed the seriousness and international dimension of the offenses. She highlighted the large quantity and value of the drugs, the presence of a firearm, and the applicant's alleged involvement in a criminal drug organization capable of producing millions of dollars' worth of drugs.
- [12.] Ms. Bridgewater argued that the Applicant has the means to abscond, given his access to a go-fast vessel and criminal connections. She also suggested that denying bail could be for Rolle's own safety, referencing the dangers associated with international drug trafficking and the risks had the interception occurred elsewhere.
- [13.] The Prosecutor maintained that there has been no unreasonable delay in the proceedings and that Rolle's continued detention is justified. She concluded that there is

nothing peculiar about Rolle's situation to warrant bail and asked the court to exercise its discretion to deny the application.

### Law & Analysis

[14.] The Court's powers to grant bail are found in the **Bail (Amendment) Act, Chapter 103, Section 4(2)** 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) 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."**

[15.] 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—**

**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, 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.”

[16.] Having heard the submissions of the Applicant and the Respondent, I give my decision on the same.

[17.] 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”.

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.

[18.] Justice Allen, P in the Court of Appeal decision Richard Hepburn v Attorney General SCCr. App. No. 276 of 2014 is very instructive.

“5. Bail is increasingly becoming the most vexing, controversial and complex issue confronting free societies in every part of the world. It highlights the tension between two important but competing interests: the need of the society to be protected from person alleging to have committed a crime; and the fundamental constitutional canons, which secure freedom from arbitrary arrest and detention and serve as the bulwark against punishment before conviction.

6. Indeed, the recognition of the tension between these competing interests is reflected in the following passage from the Privy Council’s decision in Hurman v The State [2006] 3 LRC 370. At page 374 of the judgement Lord Bingham said inter alia:

“The courts are routinely called upon to consider whether an unconvicted suspect or defendant shall be released on bail, subject to conditions, pending his trial. Such decisions very often raise questions of importance both to the individual suspect or defendant and to the community as a whole. The interest of the individual is, of course, to remain at liberty, unless or until he is convicted of a crime sufficiently serious to deprive him of his liberty. Any loss of liberty before that time, particularly if he is acquitted or never tried, will inevitably prejudice him and, in many cases, his livelihood and his family. But the community has a countervailing interest, in seeking to ensure that the course of justice is not thwarted by the flight of the suspect or defendant or perverted by his interference with witnesses or evidence and that does not take advantage of the inevitable delay before trial to commit further offences.”

7. The objective of detaining an accused person is to secure his appearance for his trial and to ensure he is available to be punished if found guilty. Indeed, if a person’s presence at trial can be reasonably ensured otherwise than by his detention, it would be unjust and unfair to deprive him of his liberty.

8. Moreover, even if a person’s appearance could not be so ensured, he is entitled to be released either unconditionally or on reasonable conditions if he is not put to his trial within a reasonable time, or if it is unlikely that he will be so tried.

9. Accordingly, bail is the right of a person charged with a criminal offence to be released from custody on his undertaking to appear for his trial at a specified time, and to comply with any conditions that the court may think fit to impose.

10. The relevant law on bail is found in articles 19(3), 20(2) (a) and 28 of the Constitution, and in section 3 and 4 of the Bail Act 1994, as amended (“the Act”). It is immediately apparent from reading of those provisions that two distinct rights to bail are given, namely, a general right to an unconvicted person to be released on bail unless there is sufficient reason (Part A of the Schedule) not to grant it; and the absolute right of such person to be released on bail if his constitutional time guarantee is breached or is likely to be breached.

11. The general right to bail clearly requires judges on such application, to conduct a realistic assessment of the right of the accused 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 resumption of innocence and the right of an accused to remain at liberty, must give way to accommodate that interest.”

[19.] It is important that the Court be satisfied that the evidence against the Applicant is strong and cogent. As outlined in Cordero McDonald v. The Attorney General SCCrApp No 195 of 2016, Allen P., clarified the extent of a judge’s task in relation to the evidence which is adduced at a bail application:-

“34. It is not the duty of a judge considering a bail application to decide disputed facts or law and 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 a reasonable suspicion of the commission of the offences such as to justify the deprivation of 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.”

[20.] I wish to highlight the following statement from the Court of Appeal in Stephon Davis v DPP SCCrApp No 20 of 2023:-

“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 a criminal trial. We can find a useful summary of the strength of the evidence required at the end of the Prosecution’s case in the headnote to the Privy Council’s decision in *Ellis Taibo* [11996] 48 WIR 74:

“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 is required to allow the trial to proceed.”

[21.] As outlined by the relevant authorities, the Court must be satisfied that evidence, prima facie must raise a reasonable suspicion of the Applicant’s involvement in the commission of the offence. All of the charges herein stem from a single incident involving

a vessel intercepted in the Caribbean Sea. The Applicant together with others was arrested following the interception of the vessel by the United States Coast Guard on the 24<sup>th</sup> December 2025 which found significant quantities of cocaine (2,252 lbs,) valued at \$18.4 million) and marijuana (valued at \$7,000), as well as a Smith & Wesson .40 pistol with ammunition. I find that the evidence against the Applicant is strong and cogent.

[22.] Mr. Humes has argued that there is no evidence adduced or indication that the Applicant will abscond or fail to appear for his trial.

[23.] I note Mr. Humes suggestion that bail conditions can be imposed to ensure the Applicant's attendance at trial and to mitigate against any concerns that the Court may have.

[24.] Accordingly I am reminded of the usual bail conditions which include reporting, the electronic monitoring device ("EMD"), curfew, etc. I am not satisfied that the imposition of these stringent conditions would be sufficient to further mitigate or ameliorate the Court's concerns in these circumstances.

[25.] Having heard the submissions made by Counsel for both sides and having careful review of the evidence adduced, I find that there is a likelihood that the Applicant may abscond, given the manner of his apprehension and his access to a go-fast vessel and criminal connections.

[26.] The personal safety of the Applicant is a concern for the Court herein. I am persuaded by the submissions of the prosecution that the Applicant's release on bail could be detrimental to his protection and safety having regard to the dangers associated with international drug trafficking.

[27.] As his trial is fixed to commence in early April of this year I find no unreasonable delay in its prosecution.

[28.] In the circumstances and having regard for the foregoing reasons I find that the Applicant is not a fit and proper candidate for bail. Accordingly, bail is denied.

[29.] The Applicant is advised of his right to appeal.

Dated the 24<sup>th</sup> day of February, 2026

Renaë McKay  
The Honourable Madam Justice