

**COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
CRIMINAL DIVISION  
2025/CRI/BAL/00085**

**BETWEEN**

**QUINTIN HART**

**Applicant**

**AND**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**Respondent**

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

**Appearances: Mrs. Shaneka Carey for the Director of Public Prosecutions  
Defendant Pro se**

**Hearing Dates: 24<sup>th</sup> February 2026.**

**RULING – BAIL DECISION**

**Criminal Law – Bail – The Constitution – Bail Act, Chapter 103 (as amended) – Application  
for bail**

**WEECH-GOMEZ, J.**

## **Introduction**

1. The Applicant Quintn Hart is a 20-year-old male charged with One (1) count of **Murder contrary to Sections 29 and 29 (1) (b)** of the Penal Code Chapter 84
2. The Applicant was charged in the Magistrate's Court for the above-mentioned offence on the 4<sup>th</sup> day of April 2025
3. The Application moved the court for Bail by way of an application filed at the Kiosk from Bahamas Department of Corrections

## **Applicant Evidence:**

4. **During his hearing before the Court the Applicant stated the following:**
  - a) **That he had no previous convictions.**
  - b) **That prior to him being remanded he was employed at 3 A's Scooter Rental renting motor scooters.**
  - c) **That he is innocent of the offence for which he has been charged.**
  - d) **That there is no evidence in his opinion against him.**
  - e) **That he has an alibi.**
  - f) **That if he is released on bail he plans to start his own scooter rental company.**
  - g) **In response to the arguments by the respondent the Applicant said that he was hurt by their submission he is not a fit and proper person, candidate to be considered for the grant of bail.**

## **Respondents' Evidence:**

- 5. In support of its subjection to the Application for bail the Respondent sought to rely on its Affidavit sworn by Tylah Murry on the 27<sup>th</sup> of January 2026. They directed the court to the following:**
- a) The cogency of their evidence is outlined in paragraphs Seven (7) and Eight (8) of their affidavit and ask the court to note that the Applicant was identified by not One (1) but Two (2) witnesses.**
  - b) That argued that although the Applicant has no previous convictions or outstanding matters the Offense of Murder is a very serious one**
  - c) They also pointed out the number of what could best be described as retaliatory killings of Applicant's whilst on bail.**

## **Law**

[7.] The Applicant is presumed to be innocent of all charges unless and until he has been convicted. By virtue of **Article 20(2)(a)** of The Constitution of The Bahamas:

**“20.(2) Every person who is charged with a criminal offence – (a) shall be presumed to be innocent until he is proved or has pleaded guilty.”**

[8.] **Section 4(1) of the Bail Act, Chapter 103 (“Bail Act”) provides:-**

**“(1) Notwithstanding any other enactment, where any person is charged with an offence mentioned in Part B of the First Schedule, the Court shall order that that person shall be detained in custody for the purpose of being dealt with according to law, unless the Court is of the opinion that his detention is not justified, in which case, the Court may make an order for the release, on bail, of that person and shall include in the record a statement giving the reasons for the order of release, on bail, of that person and shall include in the record a statement giving the reasons for the order of release of bail: Provided that, where a person has been charged with an offence mentioned in Part B of the First Schedule after having been previously convicted of an offence mentioned in that Part, and his imprisonment on that conviction ceased within the last five years, then the Court shall order that the person shall be detained in custody.”**

[9.] Section 4(2) and (3) of the Bail Act, provides:-

**“(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 of 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 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 here 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 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 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 a reasonable time.**

**(2B) For the purpose 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.**

**(3A) notwithstanding section 3 or any other law, the Magistrates Court shall not have jurisdiction for the grant of bail in respect of any person charged with an offence mentioned in Part C or Part D of the First Schedule.”**

[10.] The factors the Court must take into account when considering the grant of bail is set out in **Part A** of the First Schedule to the **Bail Act**, which provides as follows:

**“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 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.”  
(Emphasis added)

[11.] The Court's role during a bail hearing is not to conduct a mini-trial. In the case of **Jonathan Armbrister v A.G.** SCCrim App. No. 145 of 2011 at paragraph 13, John JA states:

“It has been established for centuries in England that the proper test of whether bail should be granted or refused is whether it is probable that the defendant will appear to take his trial, and that bail is not to be withheld merely as a punishment. The Courts have also evolved, over the years, a number of considerations to be taken into account in making the decision, such as the nature of the charge and of the evidence available in support thereof, the likely sanction in the case of conviction, the accused's record, if any, and the likelihood of interference with witnesses...The seriousness of the offence with which the accused is charged and the penalty which is likely to entail upon conviction, has always been and continue to be an important consideration determining whether bail should be granted or not. Naturally, in cases of murder and other serious offences, the seriousness of the offence invariably weighs heavily on the case against the grant of bail.”

[12.] The nature and seriousness of an offence was also considered in **Hurnam v The State [2006] 3 LRC 370** at 374 and applied in **Stephon Davis v The Director of Public Prosecutions SCCrApp No. 108 of 2021** which states as follows:-

“16. Lord Bingham of Cornhill stated, inter alia, at paragraph 15 of **Hurnam v The State (Mauritius) [2005] UKPC 49**, as follows:

“[15] It is obvious that a person charged with a serious offence, facing a severe 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 drug 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.”

[13.] During a bail application, the judge is not expected to weigh up the evidence to be adduced at trial. In **Cordero McDonald v The Director of Public Prosecution SCCrApp No. 121 of 2023**. The Court of Appeal held at paragraph 16 stated:

**“34. As this Court has said on many occasions, 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 a 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.”**

6. Although it is not the function of the court during such a hearing to conduct a mini trial, the court must decide whether the evidence raises a reasonable suspicion of the commission of the offence by the Applicant such as to justify the deprivation of his liberty once I have considered that attention must be directed to the relevant factors set out under the Bail Act as to whether to grant the Applicant Bail.
7. Having regard to the evidence in its entirety.
8. The Court notes the increase in Murders and the flagrant disregard for life and limb and its overall impact on the community.
9. Further there has been no delay.
10. There is also a concern with regard to the Applicant’s potential to abscond given the penalty for this offence if convicted the Applicant is a very young man with no children. I am not convinced that the conditions set will be sufficient to prevent the Applicant from absconding or committing further criminal offences
11. I am persuaded by the Respondent’s arguments that the Applicant is not a fit and proper candidate for Bail.

12. The Applicant request for Bail is therefore denied.

**Dated      March 2026**

**The Honorable Madam Justice Jeanine Weech-Gomez**