

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION
2024/CRI/bail/00267**

BETWEEN

KOREY NEELY

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

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

Appearances: **Damien White for the Applicant**
 Ms. Tennielle Bain for the Respondent

Hearing Date: **1st December A.D. 2025**

Ruling Date: **19th January A.D. 2026**

RULING ON BAIL

1. The Applicant in this matter has been charged with Attempted Murder, Possession of a Firearm with Intent to Endanger Life, Possession of an Unlicensed Firearm, Possession of Ammunition, and Possession of Dangerous Drugs with Intent to Supply, and has been in custody since his arraignment in the Magistrate’s Court on 16th December 2024. He states that he is twenty-seven years old, and was self-employed as a farmer and restaurant owner prior to his incarceration. He claims to have been brutalized by police officers upon his arrest, and alleges that he will be disadvantaged in his ability to support himself and adequately prepare his defence if denied bail. The Applicant further states that he has no previous convictions, and that he has one pending matter for Possession of a Firearm with Intent to Endanger Life.

2. In opposing the application, the Respondent filed the affidavit of Calnan Kelly, Counsel in the Office of the Director of Public Prosecutions, to which are exhibited a number of documents, from which it can be gleaned that the Applicant has been identified as the person who fired a number of gunshots into the vehicle of the victim in this matter in North Eleuthera. The victim received serious injuries as a result. The complainant indicates that he had previously been driving with another male who was involved in a dispute with the Applicant. The evidence further alleges that during the arrest of the Applicant, a loaded pistol was recovered from his person, and a quantity of suspected marijuana was also recovered behind where the Applicant had been sitting. The affidavit also alleges that the Applicant, who has one previous conviction for Possession of Dangerous Drugs, is related to the complainant, who has known the Applicant for many years.
3. Counsel for the Applicant submits that the Applicant maintains his innocence, and will be seriously disadvantaged if he remains remanded in custody, as the Applicant's business has been adversely affected. Counsel also challenges the identification evidence in this case, as he suggests that the report of the officer who performed the identification procedure does not indicate the name of the person whose photo is being shown. It is further submitted that the sole issue to be considered on an application for bail is whether the Applicant will attend for his trial. Counsel submits that conditions can be put in place to meet this concern, so that the Applicant should be released on bail.
4. The Respondent notes that the charges are serious, and suggests that the evidence is cogent, emphasizing that the Applicant was allegedly found in physical possession of a firearm, and that a prima facie case is made out on the statement of the complainant alone, as the Applicant is a relative, and was known to the complainant for many years. Counsel therefore submits that there is a concern that the Applicant will not appear for his trial, and may interfere with the witnesses. Further, the Respondent notes that a previous application for bail was refused in March 2025, and there has been no change in circumstances. The Respondent therefore submits that there is no basis to revisit that decision, and that bail should be denied.
5. In a written decision on that previous application for bail, having considered all relevant factors, this Court said the following:

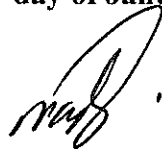
17. In reviewing what has been placed before me, while I bear in mind that the court is not to embark on a trial of the matter on the papers, I am satisfied that the evidence rises to the level of a prima facie case, as the Applicant has been identified by the complainant as the shooter in this case. I note also that a firearm is alleged to have been recovered from the person of the Applicant. I note the allegation of police brutality made by the Applicant, but consider that to be a matter for trial, as the court in a bail hearing is in no position to

determine the truth of the allegation, or whether such an occurrence should result in the exclusion of evidence.

18. With respect to the issue of public order, I bear in mind that the offence in this case appears to have been motivated by an ongoing dispute with another person, who was not even in the vehicle when the shots were fired. The offence therefore involves the use of a firearm, and a targeted attack resulting in serious injuries to an innocent person, and amounts to an affront to public order and safety. While the Applicant is entitled to the presumption of innocence, the cogency of the evidence in this case is such as to amount to a strong prima facie case that the Applicant committed this offence, and therefore poses a danger to public order and safety. I also note that the offence is alleged to have been committed in a small community, and the witness is known to the Applicant. I am therefore satisfied that the Applicant would interfere with the witness if granted bail. I also take judicial notice of the number of retaliatory killings that have occurred in this jurisdiction, and the prevalence of firearm offences. In my view, this particular situation is ripe for further violence.

6. In light of those views, and being satisfied that conditions would not suffice to ensure public safety as well as the safety of the witness, and to prevent re-offending, bail was refused. In the instant application, having considered the relevant factors, and having reviewed the earlier decision of 24th March 2025, I am unable to conclude that there has been any change of circumstances sufficient to cause the Court to resile from those conclusions, nor is there any basis in the submissions of counsel to cause a change of the decision. I further note that the Applicant suggests that he has no previous convictions, while the antecedents indicate a conviction for Possession of dangerous drugs, which therefore places the Applicant afoul of the requirement for full and frank disclosure. While I accept that subsequent applications can be made, there is in my view no basis to arrive at a different conclusion, as the facts and the law are the same. I therefore remain satisfied that the Applicant is not a fit and proper candidate to be admitted to bail.
7. In all the circumstances of this case, bail is denied.

Dated this 19th day of January A.D., 2026



**Neil Brathwaite
Justice**

