

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Criminal Law Division
2026/CRI/BAL/153

BETWEEN:

CRAIG ANDREW DEVEAUX JR.

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before:	The Hon. Justice Loren Klein
Appearances:	Mr. Bjorn Ferguson for the Applicant Mr. Akire Nicolls for the Respondent
Hearing Date:	10 March 2026
Ruling:	17 March 2026

RULING (BAIL)

KLEIN, J.

Bail—Bail Act—Part C Offence—Multiple breaches of bail conditions—Cogency of evidence supporting alleged commission of offence—Threat to public safety and security—Indiscriminate firing of weapons—Previous application

INTRODUCTION AND BACKGROUND

1. This is an application to the Court for bail under the Bail Act (“the Act”) by an accused charged in September 2024 with one count of murder and two counts of attempted murder.

2. This is his second application for bail, having been refused bail by Williams J. on 14 January 2025. He has renewed his application before this Court by summons and affidavit filed 30 January 2026. The Director of Public Prosecutions (“DPP”) filed an affidavit in response objecting to bail on 9 February 2026. The applicant was represented before me by Bjorn Ferguson, and Akire Nicholls appeared on behalf of the DPP. I am grateful to counsel for their submissions.

Brief factual background

3. It is alleged that the applicant, along with other persons, while being concerned together, murdered Valentina Bowe, and attempted to murder Ian Farrington and Foster Rolle on 2 September 2024 in a gun attack. The prosecution alleges that there is a witness (who will give evidence anonymously) who identified the applicant as one of the perpetrators of the crime.

Material in support of bail

4. In support of his bail application, the applicant states (among other things) the following:
 - (i) He is 25 years old, with a four-year-old daughter, for whom he is partly responsible, and is mechanic helper, and his detention prevents him from sustaining his minor daughter;
 - (ii) The evidence against him is tenuous and the prosecution has a weak case;
 - (iii) He has been “*charged before the ...Court for another criminal offence*”, however h has “*never been convicted of any offences within the Commonwealth aforesaid nor any other jurisdiction*” and “*he is of good character*”;
 - (iv) He has no gang affiliations and pose no risk to public safety or security;
 - (v) He will “*humbly comply and abide*” by all conditions and stipulations relating to bail, and has relatives willing to stand as suretors.

5. The DPP opposed bail and relied on the following factors in its affidavit:
 - (i) There was no issue of trial delay, as a trial date was set for 7 September 2026;
 - (ii) That there was strong evidence linking the applicant to the possible commission of the offence;
 - (iii) That given the seriousness of the offence and the possible severity of the penalty, there was the risk of absconding;
 - (iv) The offender had repeatedly breached his bail conditions and is at risk for re-offending, which cannot in any event be effectively eliminated by the imposition of conditions;
 - (v) The applicant had a number of previous convictions;
 - (vi) There was no change in circumstances since the applicant had previously been refused bail by Williams J. in January of 2025, apparently on the following grounds: “*(i) the evidence against the applicant is cogent and admissible; (ii) the applicant has previous convictions; (iii) if admitted to bail, the applicant is likely to commit other offences; (iv) the applicant is a threat to public safety and public order.*”

Parties’ submissions in brief

6. In the main, Mr. Ferguson submitted that the identification evidence relied on by the prosecution was weak, and that there was no evidential basis for the assertion that the applicant was a threat to public safety and order, simply because of the current charge. In this regard, he submitted that the court only had the “ipse dixit” of counsel for the prosecution. He also rejected the submission by the DPP that the court should take judicial notice of “the notorious fact as the high rate of murders in the community and the growing culture of vigilantism.”

7. For his part, Mr. Nicolls repudiated the suggestion that there was no cogent evidence linking the applicant to the possible commission of the crime, and stressed the seriousness of the offences, the previous convictions and the applicant's penchant for breaching bail conditions.

ANALYSIS AND DISCUSSION

8. In **Samuel Meadows v DPP**, (2024/CRI/BAL/00041), 17 March 2026 ("*Samuel Meadows*"), I summarized the statutory provisions and legal principles relative to the consideration of bail in eight propositions, which may be distilled here as follows:

- (i) Bail engages the Constitutional right to personal liberty which can only be deprived by lawful authority and which is underpinned by the presumption of innocence (art. 19, 20; **Hurnam v The State** [2006] 3 LRC 370, **Richard Hepburn v The Attorney General**, SCCrApp276 of 2014 ("Richard Hepburn");
- (ii) Bail is granted on a discretionary basis subject to the considerations set out in the Bail Act ("the Act"), which differ depending on whether the accused is charged with an offence set out in Part "B", Part "C", or Part "D" of the First Schedule (s. 3(1)). For Part B offences (which include manslaughter, causing grievous bodily harm and robbery) the Act provides that the accused "*shall*" be detained, unless the court is satisfied that his detention is not justified; and the accused is not eligible for bail if he served time within the preceding 5 years for conviction of another Part B offence. For Part C offences (offences such as murder, kidnapping, armed robbery, treason and certain firearms offences), the accused "*shall not be granted bail*" unless certain exceptions apply: they have not been tried in a reasonable time (presumptively 3 years under s. 4(2)A; or they qualify based on a consideration of the general Part A factors and the s. 2B special factors (character or antecedents of the person charged; need to protect public order of safety; need to protect victims (where appropriate). Part D offences, which include mainly firearms offences, are dealt with under the general s. 3 discretion to grant bail. The primary consideration under Part A that the court is to have regard to is "*whether there are substantial grounds for believing*" that the defendant, if released 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. Additionally, the court is to have regard to other salient factors, which include: whether the defendant should be kept in custody for his own protection or welfare (if a child or young person); whether he has absconded or breached his bail conditions; whether he offends while on bail; the nature and seriousness of the offence and the strength of the evidence against the defendant; and the need to protect the alleged victim from any further violence.

- (iii) The proper test for whether bail should be granted or refused is the probability of the defendant surrendering for trial; bail is not withheld as punishment for a person on pre-trial detention: **Johnathan Armbrister v The Attorney-General** SCCrApp. No. 276 of 2014). However, it is not the sole consideration (see **Hurnam**).
- (iv) Bail applications require the court to balance the competing interests of fundamental rights relating to personal liberty of the alleged offender and the countervailing interest of public safety: **Richard Hepburn** [5-8]; **Hurnam**, at 364, per Bingham LJ.
- (v) Although s. 4(6) imposes a burden on the “*applicant to satisfy the court that bail should be granted*”, a stream of authorities have held that this cannot shift the burden of proof (such as it is) from the Crown to satisfy the court why bail should not be granted (**Vasyli v The Attorney General** [2015] 1 BHS J, No. 86; **Jevon Seymour v DPP**, No. 115 of 2019; **Hurnam**).
- (vi) An application for bail does not require the court to decided disputed facts or conduct a forensic examination of the evidence (see **Cordero McDonald v The Attorney General**, SCCrApp No. 195 of 2016; **Stephon Davis v DPP**, SCCrApp. No. 20 of 2023; **Damargio Whyms v DPP**, SCCrApp. No. 148 of 2019). The case before the court must simply raise a reasonable suspicion or a *prima facie* case, that the applicant committed the offence, such as to justify the deprivation of his liberty.
- (vii) Seventh, there are no numerical restrictions on the ability of an applicant to make successive applications for bail, which must all be considered on the merits (see **Darmagio Whyms; Richard Hepburn v The Attorney General** (No.2), SCCrim App & CAIS No. 135 of 2016 (“*Hepburn*”), **Mackey and anor. v R** [2016] 2 BHS J No. 132 (“*Mackey*”). However, on a hearing afresh, the Court must have regard to the previous findings and whether there is any new material relevant to the grant of bail, and retains the rights to protect its process from abuse.
- (viii) On a bail application, the Court may consider material or “evidence” that would not normally be admissible, including hearsay evidence and informal sources (see, **Alcott Fox v DPP**, SCCrApp. No. 119 of 20203; **Attorney-General v Bradley Ferguson et. al.**, SCCrApp. Nos. 57, 106, 116 of 2008.

Court’s Application of Principles to current application

9. As mentioned, the applicant is charged with a Part C Offence (murder), so there is a presumption against the grant of bail unless he can come either within 4(2)(a)—not being tried within a reasonable time—or there are factors under 4(2)(c) and Part A which the Court considers justify the grant of bail.

10. I have given careful consideration to the statutory considerations and the legal principles which govern the grant of bail for a person charged with Part C offences, and I am of the opinion that the accused should not be admitted to bail. I have come to this conclusion for the following reasons:

- (1) No arguable issue is raised with respect to the 4(2)(a). Despite the representation that no trial date was fixed, it appears that the trial date is set for 7 to 21 September 2026, which would put the trial within just about 2 years since the date of the alleged offences, and his remand in custody. I accept that 3-years is not to be applied as though written in stone (see, **Duran Neely**, **Samuel Meadows**), but I do not find that there has been any unreasonable delay.
- (2) As to the Part 4(2) (c) factors, which Parliament has deemed the *primary* factors, all of these considerations weigh against him. Although he stated in his affidavit that he has been charged but not convicted, and that he is of good character, his list of antecedents tell a different story. He has been charged and convicted of a number of offences before the Magistrate's Court, starting at when he was approximately 19 years old: (i) possession of dangerous drugs with intent to supply in 2019, and sentenced to six months and a fine; (ii) possession of an unlicensed firearm and ammunition in 2022, and fined \$4,000 and \$500, respectively; (iii) convicted of assault in 2023 and fined \$150 and ordered to pay compensation of \$750; and he is charged with several other serious offences, which have not yet been disposed of, apart from the current charges. In light of this litany of previous offences, his averment that he has been charged but not convicted is rather less than forthright.
- (3) The DDP has also averred that the applicant poses a threat to public safety because there is the risk that he would re-engage in gun violence, having regard to his previous offences, several of which involved firearms. As I mentioned in **Samuel Meadows**, I accept that a previous conviction for a firearms offence does not by itself compel refusal of bail. But it is a relevant and potentially weighty factor, and suggests familiarity with weapons and the ability to access them. These are recent convictions, and they make the murder-with-firearm allegation more concerning when considering the antecedents. I note the submission from Mr. Ferguson that the assertion of the applicant being a threat to public safety and public order is not supported by any evidence. However, in bail applications, the judge is not deciding guilt or the certainty of an occurrence; at best the judge is evaluating the risks based on the material presented before him. I do accept the criticism of Mr. Ferguson, however, that the invitation to the Court to take judicial notice of the

“notorious facts such as the high rate of murders in the community and the growing culture of vigilantism” in aid of the argument that the accused is a threat to public safety or at risk, goes a bit too far. As I cautioned in **Samuel Meadows**, “judicial notice is not a licence for a judge to consider any assertion or proposition relied on by a party,” and a party urging this has to put some evidence or material before the court supporting the assertion or from which the court can draw reasonable inferences.

- (4) The fact that the applicant has committed and pleaded guilty to as many as five counts of bail infractions, is also a factor weighing against him. This proclivity to breach bail conditions—including failure to keep an EMD device charged—plays into possibility of the applicant absconding having regard to the seriousness of the charges. The applicant says he is not a flight risk and indicates that he has a minor child, and was a mechanic apprentice prior to his arrest. Considering his serial bail offending and the serious offences with which he is charge, I am not comforted by his platitudes of not being a flight risk.
- (5) I accept also that there is cogent evidence linking the accused to the possible commission of the offence. Counsel for the accused says the evidence is tenuous and weak, but those are not the criteria that the court has to apply in deciding whether or not there is sufficient material or evidence justifying the deprivation of liberty. The court is not concerned here with evaluating the quality of the evidence. If the defence is of the view that the evidence is weak, that is a matter to be exploited in trial. For the purposes of considering bail, it must only amount to a reasonable suspicion or a *prima facie* case; and I am of the view that that standard is met.
- (6) Lastly, I have also paid advertence to the fact that Williams J. refused bail in 2025, apparently based on several of the same grounds that are being argued before me today. Although I have considered bail *de novo*, no new material or fact has been drawn to my attention which augurs for any different outcome based on my independent consideration of the statutory consideration, or the reasons which Williams J. found militated against the grant of bail.

CONCLUSION AND DISPOSITION

11. In all the circumstances, the application for bail is denied. The applicant has a right of appeal pursuant to s. 8 of the Act and may pursue that avenue if so advised.

KLEIN J. .



17 March 2026