

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION
2026/CRI/bail/00011**

BETWEEN

ISFRAIN FERRERIO JR.

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Hon. Justice Neil Brathwaite

**Appearances: Mr. Dion Smith for the Applicant
 Ms. Cashena Thompson for the Respondent**

Hearing Date: 26th May A.D. 2026

Ruling Date: 18th June A.D. 2026

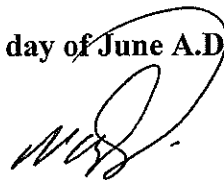
RULING ON BAIL

1. The Applicant in this matter is an American citizen residing at Jupiter City, Florida. He has been charged with 17 counts of Engaging a Fishing Vessel without a charter fishing licence. He was granted bail in the amount of \$10,000.00 cash. One condition is that he be fitted with an Electronic Monitoring Device.
2. The Applicant now seeks the removal of the electronic monitor, and relies on an affidavit in which it is averred that the device is causing significant hardship, as the Applicant is having difficulty engaging in his occupation as a Mate on private vessels. The affidavit indicates that the Applicant is required to travel offshore on fishing excursions, to assist clients with water-based activities, and to handle tender operations, all of which risk extensive exposure of the device to the sea. It is also averred that the presence of the device has caused discomfort among clients.
3. Counsel on behalf of the Applicant submits that the Applicant has complied with all conditions, and that at the time bail was granted the Applicant was not aware of the difficulties that could be caused by the device, which is now adversely impacting his

employment. Counsel noted instances of foreign nationals who have been released on bail without a monitor, and suggested that the Applicant by complying with conditions, and by appearing when required, has demonstrated his intention to defend the charges. Counsel further submitted that the hardship cause by the presence of the device is out of proportion to the charges faced by the Applicant.

4. In opposing the application, the Respondent submits that the evidence is cogent, as the Applicant has allegedly admitted his involvement in prohibited activity for an extended period of time. It was noted that the Applicant is an American citizen of Cuban descent, with no ties to the Bahamas, and the EMD is therefore necessary to ensure his appearance at trial, and also to prevent re-offending.
5. Having reviewed this matter, I note that it is not seriously contended that the device is not causing hardship. The question is therefore whether the hardship is out of proportion to the purpose for which the device was applied. In considering the issue, I note that the Applicant is on cash bail in the amount of \$10,000.00, while he is charged with 17 counts, each of which carries a penalty of up to \$100,000.00 in fines. I note also that the Applicant has no ties to this jurisdiction, so that the imposition of the device was considered necessary to ensure attendance at trial.
6. Having considered the matter, I am satisfied that the hardship cause by the device is out of proportion to the purpose of the device, having regard to the non-violent charges faced by the Applicant. While I am therefore prepared to order the removal of the device, I am also concerned that the amount of bail alone does not provide a sufficient disincentive to absconding.
7. In all the circumstances of this case, I accede to the application to remove the EMD. However, I further order that in addition to the \$10,000.00 cash bail, the Applicant is required to provide a bond in the amount of \$100,000.00, with one or two sureties, before the device is removed.

Dated this 18th day of June A.D., 2026



**Neil Brathwaite
Justice**

