

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION
2025/CRI/bail/00033**

BETWEEN

MARIO STUART

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Hon. Justice Neil Brathwaite

**Appearances: Mr. Stanley Rolle for the Applicant
 Ms. Kristen Butler-Beneby, Ms. Vashti Bridgewater for the
 Respondent**

Hearing Date: 20th April A.D. 2026

Ruling Date: 1st June A.D. 2026

RULING ON BAIL

[1.] The Applicant stands charged with the offences of Murder, Abetment of Murder, and Armed Robbery, having been arraigned in the Magistrate's Court on 3rd February 2025. He is twenty-two years old and a Bahamian citizen, and a father of two, and was employed at Island Luck and in retail sales prior to his incarceration. He claims to have one previous conviction, and proclaims his innocence with respect to the present charges. The Applicant alleges that he is being treated in an inhumane manner at the Bahamas Department of Corrections, and claims that if he remains incarcerated he will be unable to support his family or properly defend this case. He denies being a flight risk or danger to witnesses or the public, and therefore seeks to be released pending his trial, promising to abide by any conditions if granted bail.

[2.] In opposing the application, the Respondent filed the affidavit of Jacklyn Conyers, Counsel in the Office of the Director of Public Prosecutions, filed in response to a previous bail application made by the Applicant. The documents exhibited to that affidavit allege that on 26th January 2025 Mario Brown, a reputed gang leader from the Kemp Road area, was murdered. Later that day, the Applicant, who lives in the Kemp Road area, is reported to have driven a silver Nissan Note in a convoy of vehicles to various areas of New Providence. Portions of that journey were reportedly captured by CCTV footage, and the license plate of the Nissan Note was noted. The owner of that vehicle was questioned, and confirmed that the vehicle was in the possession of the Applicant. One of the areas visited by that convoy was Finlayson Street, where men from one of the vehicles emerged and fired a number of shots at young men in a yard, before the convoy left the area. Those shots resulted in the death of Philleria Sands, who was asleep in a car with her baby.

[3.] The Applicant was interviewed under caution, and admitted knowing Mario Brown, and driving the vehicle on the day in question, stating that he was a lookout. With respect to the charge of Armed Robbery, the evidence is that a female was at a gas station when a male got into her vehicle and forced her out at gunpoint. Another male was apparently on a motorbike at the rear of the vehicle. The witness identified the Applicant as the person who was on the scooter, saying that he was the person who robbed her. The antecedents of the Applicant are also attached, and indicate that he has previously been convicted of Possession of Dangerous Drugs.

[4.] Counsel on behalf of the Applicant submits that his client has significant ties to the community, being a father and having been gainfully employed. It was submitted that those community ties were sufficient to weaken any inference that the Applicant might abscond, and that there was no evidence that the Applicant might abscond or interfere with witnesses. While it was acknowledged that previous applications have been made and refused, Counsel submitted that the passage of time since the most recent application amounts to a change in circumstances, and suggests that conditions can be put in place to ensure attendance at trial. The Court was therefore urged to release the Applicant on bail.

[5.] The Respondent submits that the evidence is cogent, and that the Applicant is alleged to have played a part in an incident which brought about the death of an innocent bystander. Counsel further submitted that the circumstances of the offences lead to serious concerns for public safety, including the risk of retaliatory killings and danger to unintended victims. It was suggested that as there have been no changes in circumstances, it was submitted that bail should be denied.

LAW AND ANALYSIS

[6.] In this matter there have been two previous applications for bail, most recently in October 2025. In a previous decision dated 14th May 2025, the Court wrote the following:

“[17.] In considering what has been placed before me, I am satisfied that evidence exists upon which a prima facie case can be made out that the Applicant participated in these offences. I also note the admissions of the Applicant to being a lookout. While I have noted the submission of the counsel for the Applicant that the evidence amounts to no more than abetment, in my view this is a matter for trial, as it could certainly be concluded that playing the part of a lookout in a joint enterprise is sufficient to ground culpability for the substantive offence. With respect to the charge of Armed Robbery, I am concerned that there is a lack of clarity of the evidence of the complainant, but I am also satisfied that the matter can be appropriately ventilated at trial.

CONCLUSION

[18.] In considering the question of bail, the court is required to conduct a balancing exercise between the Applicant’s right to liberty, and the need to protect the public. In conducting that exercise I accept that the charges in this case are extremely serious, and the evidence is sufficiently cogent, so that there is a risk of flight. However, the major concerns in this case are the danger to public safety, and the intimations that this killing of an innocent mother, and the danger to the young child and others, occurred as part of retaliation for a gang-related killing. I bear in mind the culture of retaliatory shootings that have occurred in this country, and I am therefore concerned that the Applicant poses both a danger to public order and safety, and that the Applicant himself would be in danger should he be released on bail, with further danger to the public who might be exposed to violence should the Applicant be attacked.

[19.] I also bear in mind the case of **Dwayne Heastie v AG SCCrApp No. 261 of 2015** where the court said as follows: per Isaacs JA: “The learned judge ought to have had regard to Part A(b) of the Bail Amendment Act, to wit, whether the defendant should be kept in custody for his own protection, and concluded that in the present climate of apparent vigilantism in the country, the appellant should remain in custody for his own protection. When courts are considering the grant of bail for persons charged with murder, judicial notice may be taken of the number of persons who have been charged with murder and released on bail who have themselves become victims of homicide. The

appellant is alleged to have killed a family man of Haitian origin in an unprovoked attack where the man was seeking payment for work he had performed for the appellant. The events are of recent vintage and the emotions are quite raw. These circumstances make for a volatility which may only be defused by the continued detention of the appellant.”

[20.] In considering whether conditions could be imposed to ensure the attendance of the Applicant at trial, I am mindful of the usual conditions which include reporting, electronic monitoring device (“EMD”), and curfew. In my view those conditions would suffice to ensure the attendance of the Applicant at his trial, but they would not suffice to prevent preserve public order and safety, or to protect the safety of the Applicant.”

CONCLUSION

[7.] In considering the present application, while I accept that subsequent applications for bail can be made, I do not accept that there has been any material change in circumstances sufficient to change my views with respect to the bail application. In fact the only circumstance that has changed is the passage of time. In that regard, I note that while the Applicant has been detained for just over one year, a backup trial date is fixed for 6th October 2026, while the substantive trial date is 31st May 2027, both of which are well within the three year period which is statutorily indicated as a reasonable time. Having considered the matter, I remain satisfied that the Applicant should be refused bail in the interests of public order and safety, as well as the safety of the Applicant.

[8.] In the circumstances and having regard to the foregoing reasons I find that the Applicant is not a fit and proper candidate to be admitted to bail. Bail is therefore denied.

Dated this 1st day of June A.D., 2025



Neil Brathwaite
Justice