

COMMONWEALTH OF THE BAHAMAS 2024

IN THE SUPREME COURT

CRI/BAL/00030/2025

Criminal Division

BETWEEN

THE DIRECTOR OF PUBLIC PROSECUTIONS

v.

SEANTINO ROLLE

Before: The Honourable Justice Darron D. Ellis

Appearances: Myesha Saunders with Max Julien for the Respondent

Dion Smith for the Applicant

Hearing dates: 16th June 2026

RULING ON BAIL

Bail – Bail Act – Bail application – Part C offences – Part A of the First Schedule – relevant factors – section 4(2) – primary considerations under section 4(2B) – delay – fitness for bail – public safety and public order – safety of prosecution witnesses – absconding – nature and strength of the evidence.

ELLIS J

Introduction

[1.] The Applicant, Seantino Rolle, applies for bail. The Applicant is charged with Rape contrary to section 6(a) of the Sexual Offences Act, Chapter 99; Forcible Taking and Detaining With Intent To Have Unlawful Sexual Intercourse contrary to section 20 of the Sexual Offences Act, Chapter 99; Armed Robbery contrary to section 339(2) of the Penal Code, Chapter 84; Possession of a Firearm with Intent to Endanger Life contrary to section 33 of the Firearms Act, Chapter 213; Assault contrary to section 264 of the Penal Code, Chapter 84; and Threats of Death contrary to section 418 of the Penal Code, Chapter 84.

[2.] The bail application was made by Summons filed on 1 May 2026, supported by the Affidavit of the Applicant filed 17th March 2026, and the Affidavit of Khalil Rolle filed on 22 April 2026. The Applicant has pleaded not guilty to the current charges, maintains his innocence, and submits that he is a fit and proper person for bail. The Applicant says that he has been in custody since 22 May 2023.

[3.] The Respondent filed an Affidavit in response on 1 June 2026 opposing the application. The Respondent submits that there is sufficient and cogent evidence supporting the charges and asks the Court to have regard to the nature and seriousness of the alleged offences, public safety, and the Applicant's antecedents.

[4.] The Applicant is presumed innocent. This Court does not decide guilt on a bail application. The issue is whether, applying the Bail Act to the evidence before the Court, the Applicant should be released pending trial, with or without conditions.

The Applicant's Evidence

[5.] The Applicant states that he is a fit and proper person for bail. The Applicant submits that he is not seeking bail to avoid trial but to facilitate preparation of his defense, consultation with his attorneys, and stable living arrangements pending trial. He notes that trial dates have been assigned and says that, without bail, he will remain in custody for a substantial period before the matters are determined.

[6.] The Applicant undertakes to attend court whenever required, surrender to custody as directed, and not abscond. He relies on family and community ties within New Providence and says close family members are prepared to assist him in complying with the conditions.

[7.] The Applicant says that, before his incarceration, he worked as a fisherman and that arrangements have been made for him to resume lawful employment on release. He says he can produce documentary confirmation if required.

[8.] Recognising the Court's concerns about public safety and public order, the Applicant offers electronic monitoring, a curfew, regular reporting to a police station, surrender of his passport and travel documents, restrictions on obtaining further travel documents, non-contact orders in respect of all Crown witnesses, residential restrictions, substantial recognisances with sureties, and any other appropriate conditions.

[9.] The Applicant submits that these conditions address the risks of absconding, further offending, interference with witnesses, and obstruction of justice. He undertakes to remain of good behaviour, commit no offences while on bail, maintain contact with his attorneys, and attend all court appearances.

[10.] The Applicant says that this renewed bail application is made in good faith and asks to be admitted to bail on such conditions as the Court considers appropriate.

The Respondent's Evidence

[11.] The Respondent opposes the application through the affidavit of Ms Davina Pinder, counsel in the office of the Director of Public Prosecutions.

[12.] Ms Pinder identifies the Applicant and outlines the indictable matters said to be pending against him. Besides the charges presently before this Court, the Applicant has serious matters in two other Courts. These include a 2018 matter (VBI No. 91/4/2018) involving charges of murder, armed robbery, shop breaking, stealing, receiving and being an accessory after the fact, together with two 2023 indictments VBI No. 238/7/2023 and VBI No. 300/10/2023, (the present matter), alleging rape, armed robbery, forcible taking and detaining with intent to have unlawful sexual intercourse, possession of a firearm with intent to endanger life, assault and threats of death.

[13.] The Respondent asserts that there is sufficient and cogent evidence to support the pending charges. In relation to the 2018 indictment, it is alleged that the Applicant participated in an armed robbery during which crawfish were stolen and that he admitted shooting the deceased before fleeing the scene. The Respondent relies on the Applicant's recorded interview.

[14.] In relation to the 2023 matters, the Respondent alleges that the Applicant separately abducted two female complainants at gunpoint, restrained them, sexually assaulted them and robbed them before leaving them at isolated locations. The affidavit further states that each complainant subsequently identified the Applicant in identification procedures.

[15.] The Respondent says that the Applicant was granted bail in June 2018 in relation to the earlier indictment but was subsequently charged, in 2023, with further serious offences while still on bail.

[16.] The Respondent says that, after the further charges, an application was made to revoke the Applicant's bail and Madam Senior Justice Cheryl Grant-Thompson revoked that bail.

[17.] The Respondent says that the Applicant has remained in the custody of the Bahamas Department of Correctional Services since 22 May 2023 and submits that, despite the time on remand, public safety and public order require his continued detention.

[18.] The Respondent says that trial dates have been assigned in each pending indictment before the respective trial judges, including this Court. The Respondent submits that there is nothing exceptional or peculiar in the Applicant's circumstances that renders continued detention unjustified pending trial.

The Applicant's Submissions

[19.] Counsel for the Applicant submits that the application must be considered in light of the Applicant's constitutional right to personal liberty and the statutory framework governing bail. Pre-trial detention is not punitive. The central question is whether appropriate and enforceable conditions can adequately manage the risks identified by the Respondent.

[20.] Counsel submits that the Applicant has addressed the concerns arising on the earlier application and has proposed stringent conditions specifically directed to the risks of non-attendance, interference with witnesses and further offending. Those conditions include electronic monitoring, a curfew, regular reporting, surrender of travel documents, residence requirements, sureties and non-contact orders.

[21.] The Applicant also relies on his family support, community ties, prospective lawful employment, and willingness to comply with rigorous supervision. Counsel submits that these matters materially reduce the identified risks and support the conclusion that the Applicant is a fit and proper candidate for conditional bail.

[22.] Counsel further submits that trial dates have now been fixed. The Applicant has already spent a substantial period in custody. Continued detention therefore represents a serious interference with his liberty, particularly where the remaining risks can, it is submitted, be sufficiently managed by the proposed conditions.

- [23.] In all the circumstances, Counsel submits that the Applicant is a suitable candidate for bail and respectfully invites the Court to grant bail on such stringent conditions as the Court considers necessary and appropriate.

The Respondent's Submissions

- [24.] Counsel for the Respondent submits that the application should be refused because of the nature and seriousness of the alleged offences, the apparent strength of the prosecution case, the Applicant's antecedents and the safety of the public.
- [25.] The Respondent submits that particular weight should be given to the allegation that the Applicant committed further serious violent offences while on bail in relation to an earlier indictment. It is said that this demonstrates an unacceptable risk of further offending and is directly relevant to the statutory considerations.
- [26.] Counsel submits that the allegations disclose repeated offending of a similar character involving violence, firearms and sexual offences and that protection of the public must remain the Court's primary concern.
- [27.] The Respondent submits that the proposed conditions, though extensive, cannot neutralise the risks identified. It relies on the allegation that the Applicant's earlier conduct while on bail demonstrates that conditions cannot adequately protect the public or secure compliance.
- [28.] The Respondent submits that the fixed trial dates diminish the complaint concerning pre-trial detention. The Respondent asks the Court to find that the Applicant has not demonstrated that he is a fit and proper candidate for bail and to refuse the renewed application.
- [29.] Having regard to the seriousness of the allegations, the multiplicity of pending indictments, the allegation that later offences were committed while the Applicant was on bail, the evidence relied upon by the Crown, and the Applicant's antecedents, the Respondent says that the Applicant is not a fit and proper candidate for bail and is likely to endanger the public or commit further offences if released.

Law and Analysis

[30.] In determining this application, the Court must apply the Bail Act consistently with the presumption of innocence and the Applicant's constitutional right to liberty, while giving effect to the statutory considerations of public safety, public order and, where appropriate, the safety of the alleged victim.

[31.] The Applicant is presumed innocent until proven guilty. **Article 20(2)(a) of the Constitution of The Bahamas** provides:

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

[32.] **Article 19(1)(b)** further provides that no person shall be deprived of personal liberty save upon reasonable suspicion of having committed a criminal offence. **Article 19(3)** also addresses the release, with or without conditions, of a person who is not tried within a reasonable time.

[33.] The statutory framework for **Part C** offences is found in **section 4(2) of the Bail Act**, which provides:

“4. (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 or the Court of Appeal is satisfied that the person charged—

(a) has not been tried within a reasonable time;

.....

(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) ...”

[34.] **Section 4(2A)** provides, in substance, that a period of three years from arrest or detention is deemed reasonable without limiting what may otherwise constitute a reasonable time, and that delay occasioned by the accused's conduct is excluded.

[35.] **Section 4(2B)** provides:

“For the purposes 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.”

[36.] **Part A** of the First Schedule of the **Bail Act** requires the Court to consider, among other matters, whether there are substantial grounds for believing that the Applicant, if released, would fail to surrender to custody or appear at trial, commit an offence while on bail, or interfere with witnesses or otherwise obstruct the course of justice. It also requires consideration of the nature and seriousness of the alleged offences and the nature and strength of the evidence. It also requires the Court to consider circumstances where the Applicant was admitted to bail and was subsequently arrested and charged with similar offences as in this case.

[37.] **The Bail Act, First Schedule, Part A**, specifically states that:

“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;

.....

(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.”

[38.] The Crown bears an evidential burden to adduce material capable of establishing substantial grounds for the risks identified in Part A. Bare assertion is insufficient. In **Jevon Seymour v Director of Public Prosecutions**, No. 115 of 2019, *Crane-Scott JA* stated at paragraph 65:

“Paragraph (a) of the First Schedule to the Bail Act places an evidential burden on the crown to adduce evidence (i.e. substantial grounds) which is capable of supporting a belief that the applicant for bail ‘would’ if released on bail, fail to surrender to custody or appear at his trial; commit an offence while on bail; or interfere with witnesses or otherwise obstruct the course of justice. The Crown’s burden is only discharged by the production of such evidence.”

[39.] In **Jeremiah Andrews v Director of Public Prosecutions**, Appeal No. 163 of 2019, *Evans JA* stated:

“In order to properly assist the Court, parties are required to provide evidence which will allow the Court to determine whether the factors set out in Part A of the First Schedule to the Bail Act s 4(2B) exist. We note that all too often the affidavits supplied by the Crown make bare assertions that there is a belief that if the Applicant is granted bail he will not appear for trial; will interfere with witnesses or will commit other crimes. These assertions are meaningless unless supported by some evidence.”

[40.] In **Hurnam v State of Mauritius** [2006] 1 WLR 857, the Privy Council explained that the seriousness of the offence and the likely penalty may support a refusal of bail where they give rise to a risk of absconding or interference that conditions cannot effectively eliminate. Those factors are relevant but not, on their own, determinative. Clear and explicit reasons must be given.

[41.] In **Duran Neely v Attorney General**, Appeal No. 29 of 2018, Evans JA stated at paragraph 17:

“17. It should be noted that Section 4 of the Bail Act does not provide the authorities with a blanket right to detain an accused person for three years. In each case the Court must consider what has been called the tension between the right of the accused to his freedom and the need to protect society. The three year period is in my view for the protection of the accused and not a trump card for the Crown. As I understand the law when an accused person makes an application for bail the Court must consider the matters set out in Section 4(2)(a), (b) and (c). This means that if the evidence shows that the accused has not been tried within a reasonable time or cannot be tried in a reasonable time he can be admitted to bail as per (a) and (b). In those circumstances where there has not been unreasonable delay the Court must consider the matters set out in (c). If after a consideration of those matters the Court is of the view that bail should be granted the accused may be granted bail.”

[42.] I first deal with delay; on the present evidence, the Applicant has been in custody since 22 May 2023 and has therefore spent approximately three years on remand. That is a substantial consideration in favour of release. The meeting of the three-year statutory period is not, however, an automatic entitlement to bail. The Court must conduct the overall assessment mandated by **section 4(2)**.

[43.] The Court next considers the nature and apparent strength of the Crown’s case. The Respondent relies on evidence that the complainant identified the Applicant in an identification procedure as the person alleged to have used a firearm, abducted, raped and robbed her.

[44.] At this stage, the Court does not make findings of fact on the ultimate issue of guilt. However, the Court is satisfied that the Crown's case cannot presently be characterized as weak and that the allegations involve the alleged use of a firearm, thereby engaging serious public-safety considerations.

[45.] The Applicant acknowledges a prior conviction for possession of a firearm and ammunition. That conviction is relevant. The Court also takes account, for the limited purpose of risk assessment, of the evidence that the Applicant was on bail when further grave charges were brought and that his earlier bail was later revoked. The Court treats the outstanding allegations as allegations only.

[46.] The allegations are grave. Their seriousness is relevant to the risks of non-attendance and further offending, but seriousness alone does not justify detention. In the circumstances of this case, the asserted pattern of serious offending, the antecedent involving a firearm, the allegation that further serious offences were committed while the Applicant was already on bail, and the apparent strength of the Crown's evidence provide substantial grounds for believing that the Applicant would commit further offences if released and may abscond if released.

[47.] I have also considered the Applicant's local ties, family support, prospective employment and proposed conditions. Those matters provide some assurance, but they do not sufficiently overcome the risks apparent from the totality of the evidence.

[48.] I do not rest my decision on a separate, conclusive finding that the Applicant will fail to surrender. It is sufficient that the Court is satisfied that there are substantial grounds for believing that he would commit further offences if released and that conditions cannot adequately manage this risk.

[49.] The evidence does not identify a particular threatened witness or a specific act of interference. I therefore do not base this decision on an independent finding that the Applicant would interfere with witnesses. If bail were otherwise justified, strict non-contact conditions would be necessary.

[50.] Having considered the evidence as a whole, I am satisfied that there are substantial grounds for believing that the Applicant's release would present an unacceptable risk to the safety of the public and to public order. In reaching that conclusion, I have taken account of the Applicant's previous conviction for possession of a firearm and ammunition; the multiplicity, nature and seriousness of the charges now pending against him; and the evidence that further serious allegations arose while he was on bail in relation to earlier matters. I emphasise that

the pending charges remain allegations and are not treated as findings of guilt. They are nevertheless relevant, together with the Applicant's antecedents, to the statutory risk assessment required on this application.

[51.] This approach is consistent with the Court of Appeal's reasoning in **Trevar Taylor v Director of Public Prosecutions** SCCrApp. No.139 of 2024. Where *Turner JA* wrote at paragraph 35:

The Learned Judge explained the reason (at paragraph 23) of his decision, why he considered the appellant was deemed to be a threat to public order. His reasoning was that the appellant whilst on bail for charges of murder and attempted murder, and while being electronically monitored in relation to those charges, is alleged to have committed additional offences. Further, there is a significant risk that the appellant may fail to appear for his trial, as he has been charged for armed robbery and other serious offences of murder and attempted murder, which may possibly result in a conviction. As the Learned Judge could have imposed conditions to secure the appellant's attendance at trial, he indicated that no conditions could adequately protect public order, given that the appellant was already subject to wearing an EMD whilst on bail when he allegedly committed the current offences. In *Jevon Seymour v. The Director of Public Prosecutions* SCCrApp. No. 115 of 2019, at paragraph 68, Crane-Scott, J.A. stated:

“68. If the appellant was in fact a threat to public safety or public order; or if there was evidence of specific threats which had been made against the witnesses, Perry McHardy's affidavit should have included the necessary evidence of his propensity for violence for the judge's consideration. Such evidence might have included for example, any prior convictions (if any) for similar offences; or evidence of pending charges for violent or firearm offences; or again, evidence for instance, of any known or suspected gang affiliation. No such evidence was placed before the learned judge and the absence of such evidence, stood in stark contrast with the evidence which the appellant had placed before the judge of his good character, strong family and community ties and the fact that he had a long and unblemished record of service within the BDF.”

36

In the Court's view, in the present appeal, the appellant's alleged commission of serious offences whilst on bail and under an EMD order provides us with clear evidence that the appellant is a threat to public order and is also a relevant factor to consider pursuant to paragraph (f) of the First Schedule of the Bail Act. The combination of pending charges for violent offences and the appellant's conduct whilst on bail justifies the decision by the Judge to refuse bail and to support his continued incarceration pending trial.”

[52.] The Court in **Trevar Taylor** held that an appellant's alleged commission of further serious offences while on bail and subject to electronic monitoring was clear evidence relevant to the assessment of whether he posed a threat to public order. The Court further held that the combination of pending violent-offence charges and conduct while on bail justified refusing bail where no condition could adequately protect public order. The Court of Appeal also endorsed **Jevon Seymour v Director of Public Prosecutions**, SCCrApp No. 115 of 2019, at paragraph 68, where Crane-Scott JA explained that evidence of prior similar convictions, pending violent or firearm charges, or other evidence of a propensity for violence may be material to an assessment of public safety or public order.

[53.] The present case is to be determined on its own evidence. Here, the Applicant's firearm conviction, the multiplicity and seriousness of the outstanding charges, and the evidence that further serious allegations arose while he was on bail provide a sufficient evidential basis for the Court's conclusion. The protection of the public and public order is, by **section 4(2B) of the Bail Act**, a primary consideration. On the evidence before the Court, that consideration weighs decisively against the grant of bail, as I am not satisfied that the conditions proposed would adequately manage the identified risk.

[54.] The Applicant has offered comprehensive conditions: electronic monitoring, a curfew, reporting, travel restrictions, residence requirements, sureties and non-contact orders. Those conditions may reduce risk in an appropriate case.

[55.] The difficulty is that the alleged commission of further grave offences while already on bail is powerful evidence that compliance-based conditions would not adequately protect the public or public order. I am not satisfied that the conditions proposed—whether individually or cumulatively—would sufficiently mitigate the substantial risk of further offending.

Conclusion and Order

[56.] I have given full weight to the Applicant's constitutional right to liberty, the presumption of innocence, the substantial time that he has spent in custody, his family and community ties, and his detailed proposal for conditional release. The period of remand is significant and unfortunate and weighs in favour of bail, but it does not displace the Court's duty to assess all the statutory factors.

[57.] The expiry of the statutory three-year period on remand does not automatically entitle an accused person to bail. However, it requires the Court to undertake the balancing exercise mandated by **section 4(2) of the Bail Act**.

[58.] In undertaking that exercise, **section 4(2B)** expressly provides that, in respect of **Part C** offences, the character and antecedents of the accused and the need to protect the safety of the public and public order are primary considerations. The courts have consistently recognised that statutory direction.

[59.] In **Treyvar Taylor**, the Court of Appeal upheld the refusal of bail where the applicant faced further serious charges whilst already on bail, holding that concerns relating to public safety, public order and the inability of bail conditions to sufficiently mitigate those risks justified continued detention. Likewise, in **Dentawn Grant v Director of Public Prosecutions** SCCrApp No. 59 of 2022, the Court of Appeal recognised that, although delay before trial is an important consideration, it must be balanced against the statutory factors, including protecting the public and the administration of justice.

[60.] Section 4(2B) requires the Court to give primary weight to the Applicant's antecedents and to public safety and public order.

[61.] Applying the statutory considerations, I am not persuaded that the significant time spent on remand outweighs the substantial concerns for public safety and public order. The Court has considered the Applicant's antecedents, the pending allegations, the evidence that he was on bail when further serious offences were alleged, and the revocation of that bail. These matters, viewed together and without treating any pending allegation as a finding of guilt, establish substantial grounds for believing that he would commit further offences if released.

[62.] I have weighed the Applicant's constitutional right to liberty against Parliament's direction that public safety and public order are primary considerations. I am not satisfied that the comprehensive conditions proposed would adequately manage the substantial risk of further offending. The Applicant has therefore not satisfied the Court that bail should be granted. The renewed application for bail is refused.

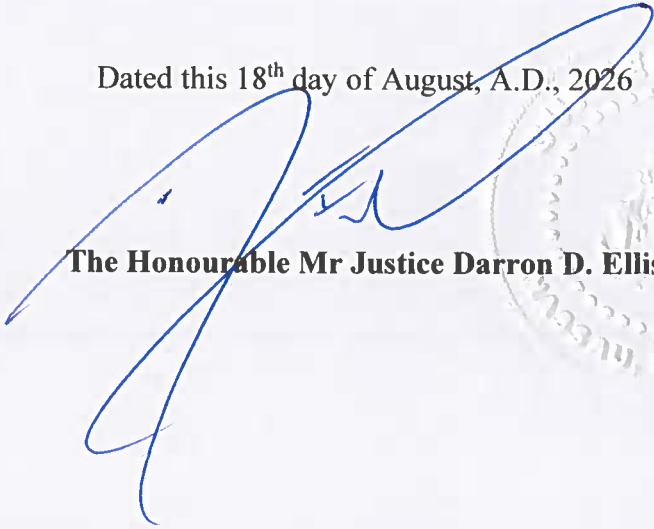
[63.] The reasons for refusing bail are set out above. For completeness, they may be stated briefly as follows:

- The Applicant's antecedents, including the acknowledged firearm conviction, and the evidence concerning the alleged commission of further serious offences while on bail, are primary considerations under **section 4(2b)**.

- The seriousness and apparent strength of the allegations are relevant to non-attendance, but the determinative concern is the substantial risk of further offending and the safety of the public.
- The proposed conditions would not adequately protect public safety and public order from the substantial risk of further offending.

[64.] The Applicant may appeal this decision to the Court of Appeal

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


The Honourable Mr Justice Darron D. Ellis

