

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL DIVISION
2024/CRI/BAL/00255**

BETWEEN

SHANNON RAHMING

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Hon. Madam Justice Weech-Gomez

**Apperances: Shannon Rahming Pro se
Ms. Desiree Fergueson for the Respondent**

Hearing Date: 5th May 2026

Ruling Date: 2nd June 2026

RULING – BAIL DECISION

**Criminal Law – Bail – Bail Act, Chapter 103 – First Schedule Part A – Application for bail –
Armed Robbery – Possession of Unlicensed Firearm – Possession of Ammunition – Whether the
Applicant is a fit and proper candidate for bail**

Introduction

[1.] The Applicant, Shannon Rahming, is a Bahamian citizen aged twenty-six (26) years. He is charged with **two (2) Counts of Armed Robbery contrary to section 339(2) of the Penal Code, Chapter 84; one (1) Count of Possession of an Unlicensed Firearm contrary to section 5(a) of the Firearms Act, Chapter 213; and one (1) Count of Possession of Ammunition contrary to section 9(2)(a) of the Firearms Act, Chapter 213.**

[2.] This is the Applicant's second application for bail. His previous application was denied by my learned brother the Honourable Mr. Justice Neil Brathwaite on 29th January, A.D., 2025.

[3.] The Respondent objects to the granting of bail and relies on the Affidavit in Response of Valentino Jamaine Bowe, Counsel in the Office of the Director of Public Prosecutions, filed and sworn on 16th March, A.D., 2026. The Crown urges the Court to find that there has been no material change in circumstances sufficient to justify the granting of bail to the Applicant.

[4.] The Applicant has filed a fresh application for bail, in which he invites the Court to reconsider the matter. In his application before the Court the Applicant advanced the following grounds in support of his application:

- (a) He is twenty-six (26) years of age and wishes to be granted bail so that he may be present in the life of his six (6) year old daughter;

- (b) He has experienced significant personal loss. His father passed away on the 23rd day of January, A.D., 2026, and his nephew passed away in February, A.D., 2026. He is therefore going through an extremely difficult time and submits that he is in need of the support of his family;
- (c) He has been on remand for approximately two (2) years and two (2) months, and his trial date is presently fixed for the 1st to 12th February, A.D., 2027;
- (d) He is employed in landscaping and the sale of coconuts and is desirous of returning to work;
- (e) If granted bail he proposes to reside either with his uncle in the grove or with his mother at Mason's Addition;
- (f) He has no other pending matters before the Court;
- (g) He has already served his sentences in respect of prior convictions for armed robbery and possession of a firearm arising from matters in 2020 and 2021, and he is not a threat to public safety; and
- (h) He urged the Court to have mercy upon him and submitted that he is a good person who desires to return home and make better choices.

Respondent's Position

[5.] The Respondent relies on the Affidavit of Valentino Jamaine Bowe, filed and sworn on 16th March, A.D., 2026, in opposition to the present application.

[6.] Counsel for the Respondent submits that there has been no material change in the Applicant's circumstances since bail was last refused and relies upon the antecedents of the Applicant as set out in the affidavit in response. Counsel further submits that the Applicant's trial date is presently fixed for 1st to 12th February, A.D., 2027, and that the Applicant is not a fit and proper person to be granted bail.

Issue

[7.] The issue for consideration is:

- i. **Whether the Applicant is a fit and proper candidate for bail?**

Legal Principles

[8.] The fundamental principles that govern the grant or refusal of bail are settled and familiar to the Court. These principles were articulated in the earlier ruling of Justice Brathwaite, and I do not intend to restate them in detail here. Accordingly, this Court does not intend to rehash the law, but will rely on the previous decision.

[9.] I wish to reaffirm that notwithstanding that an accused person is presumed innocent, bail can be properly refused, if the detention of the accused before trial is necessary for the protection of the public, to uphold the integrity of the judicial process, or ensure the accused's attendance at trial. Section 3 of the Bail Act. I wish to note that the applicable factors that the Court ought to consider in a request for bail are set out in Section 4 of the Bail Act.

[10.] The Court is obliged to rehear the application and treat it as a fresh application each time.

In **The Nottingham Justices, ex parte Davies, [1981] QB 38**, Donaldson LJ explained that while previous bail decisions must not be ignored, they stand as valid findings unless overturned on appeal. On reconsideration, the court should begin from the last decision and investigate whether circumstances have changed or whether relevant factors previously unknown to the court exist. This ensures fairness to the accused without undermining the earlier ruling. Notwithstanding this, it is the responsibility of the Crown to demonstrate, on a balance of probabilities, that the accused should not be granted bail. The presumption of innocence is enshrined in **Article 20(2)(a)** of the Constitution of The Bahamas which 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”.

[11.] In this application the accused faces charges of Armed Robbery, Possession of an Unlicensed Firearm, and Possession of Ammunition. Despite the seriousness of these offences, these offences remain ones in which bail may be considered. In assessing bail, the strength of the prosecution’s case is a factor, as it directly affects flight. An accused who believes there is a good chance of being acquitted is less likely to abscond than one who anticipates an almost certain conviction.

[12.] However, it is accepted that the seriousness of the offence is not the only reason for the refusal of bail, but it is a consideration in determining the issues of bail. I reaffirm that

although an accused person is presumed innocent, bail can properly be refused if detention before trial is necessary to protect the public, uphold the integrity of the judicial process, or ensure the accused's attendance at trial. Furthermore, the constitutional right to liberty and the presumption of innocence require a defendant to remain at large unless detention is necessary. Ultimately, every bail application must be assessed on its own circumstances.

[13.] Upon review of the evidence, while the court is not to undertake a trial of the matter, I am satisfied that the evidence demonstrates a prima facie case, as several eyewitnesses identified the Applicant in this case. It is also noted that there has not been unreasonable delay.

Change In Circumstances

[14.] The Applicant submits that he has experienced a change in his personal circumstances in that his father passed away on 23rd January, A.D., 2026, and his nephew passed away in February, A.D., 2026. The Applicant further submits that he has been on remand for approximately two (2) years and two (2) months, that he is the father of a six (6) year old daughter, and that he proposes to reside with his uncle in The Grove or with his mother in Mason's Addition if bail is granted. The Applicant urges that he is not a threat to public safety.

[15.] Counsel for the Respondent submits that there has been no material change in the Applicant's circumstances, that the Crown relies on the antecedents as set out in the affidavit in response, and that the Applicant's trial date remains fixed within the statutory three-year period.

Analysis

[16.] As noted earlier, It is well established that each bail application must be treated as a fresh application. However, where bail has previously been refused, the Court must consider whether there has been a material change in circumstances or whether new matters have arisen that were not previously before the Court.

[17.] In assessing bail, the strength of the prosecution's case is a factor, as it directly affects the risk of flight. As was noted in **Jeremiah Andrews vs. The Director of Public Prosecutions SCCrApp No. 163 of 2019**, an accused who anticipates an almost certain conviction, particularly in respect of a serious offence carrying severe penalties, may be more inclined to abscond. That inference can, however, be weakened by the consideration of other relevant factors, including the Applicant's resources and family connections.

[18.] While the seriousness of the offence is not, in itself, a determinative ground for refusing bail, it is a relevant consideration. The constitutional right to personal liberty enshrined in Article 19(1) of the Constitution and the presumption of innocence guaranteed by Article 20(2)(a)

require that an accused remain at large unless detention before trial is necessary. Every bail application must therefore be assessed on its own facts and circumstances.

[19.] The burden remains on the Crown, on a balance of probabilities, to demonstrate that the Applicant should not be admitted to bail. The Applicant is charged with two (2) Counts of Armed Robbery, Possession of an Unlicensed Firearm, and Possession of Ammunition, all of which are undeniably serious offences. The particulars of the offences allege that on 19th August, A.D., 2024, the Applicant approached the complainant at a kiosk machine, produced a firearm, demanded money, discharged the firearm causing a graze wound to the complainant's left calf, and fled the scene.

[20.] I am mindful of the guidance in **Cordero McDonald v. The Attorney General SccrApp.No. 195 of 2016** that this Court must not conduct a forensic examination of the evidence on a bail application. The judge is simply required to decide whether the evidence raises a reasonable suspicion of the commission of the offences so as to justify the deprivation of liberty, and having done that, to consider the relevant factors. Applying the test in **Stephon Davis v DPP SCCrApp. No. 20 of 2023** and **Ellis Taibo [11996] 48 WIR 74**, I am satisfied that the evidence discloses a prima facie case against the Applicant. The complainant positively identified the Applicant at a twelve-man photo line-up as photo number five (5). An anonymous witness who is familiar with the Applicant from the area identified him by his face in the vicinity of the scene shortly after the incident, and further identified him at a photo line-up as photo number seven (7). An officer with the Cease Fire Unit also recognised

the Applicant in the area immediately following the incident. The identification evidence of the complainant and the anonymous witness, supported circumstantially by the recognition of the Applicant by the police officer, is sufficient to meet the prima facie threshold at this stage.

[21.] I have given careful consideration to the personal circumstances advanced by the Applicant.

I extend to the Applicant my sincere condolences in respect of the recent bereavements he has suffered, namely, the deaths of his father on 23rd January, A.D., 2026, and his nephew in February, A.D., 2026. I have no doubt that these losses have caused the Applicant profound personal grief. However, while these are matters of sympathy, they do not, in my judgment, constitute a material change in the circumstances that were before the Court when bail was previously considered, in the sense of bearing upon the statutory factors prescribed by the Bail Act. The right to bail is not governed by compassion alone, but by the structured considerations set out in the legislation and by the countervailing interests of public safety and the administration of justice.

[22.] The Applicant's antecedents are, in my view, a matter of significant concern. As was observed in **Jonathan Armbrister v Attorney General SCCrApp. No 45 of 2011**, the seriousness of the charges before the Court should invariably weigh heavily in the scale against the grant of bail. His Criminal Records Antecedent Form discloses convictions for in particular; Possession of an Unlicensed Firearm, Possession of Ammunition in 202, and Armed Robbery in May 2023, for which he was sentenced to four (4) years' imprisonment,

with two (2) years spent on remand deducted. It is therefore apparent that the Applicant was released from prison not long before the alleged offences the subject of the present charges are said to have occurred in August 2024. The pattern of conduct disclosed by these antecedents, and in particular the repetition of offences involving firearms and armed robbery, raises a serious and real concern that the Applicant is likely to re-offend if released on bail. Section 4(2B) of the Bail Act expressly identifies the character and antecedents of the person charged as a primary consideration.

[23.] With respect to the trial date, I note that the Applicant's trial is presently fixed for 1st to 12th February, A.D., 2027. The Applicant was arrested on 3rd September, A.D., 2024. Which is well within the three-year period deemed reasonable by Parliament pursuant to section 4(2A)(a) of the Bail Act. There is accordingly no question of an unreasonable delay in bringing this matter to trial at this stage.

[24.] The Court must at all times balance the Applicant's right to personal liberty guaranteed by Article 19(1) of the Constitution and the presumption of innocence under Article 20(2)(a) against the interest of public safety and order and this case is no different. As Lord Bingham observed in **Hurnam The State [2006]LRC 370**, the community has a countervailing interest in ensuring that the course of justice is not thwarted and that an accused does not take advantage of the inevitable delay before trial to commit further offences. Having regard to the cogency of the evidence against the Applicant, the serious nature of the offences charged, the Applicant's antecedents including a prior conviction for the same class of

offence involving a firearm, the existence of a further pending matter of a like nature, and the Applicant's recent release from prison before the alleged commission of the present offences, I am not satisfied that the Applicant is a fit and proper candidate for bail. I am further satisfied that there are no conditions which could be put in place that would adequately address the risks of re-offending or absconding.

[25.] I find no substantive or material change in circumstances in the present application which would warrant the granting of bail.

[26.] Accordingly, the Applicant's application for bail is denied.

Dated this 2nd day of June 2026

The Honourable Madam Justice Jeannine Weech-Gomez