

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL DIVISION
2026/CRI/BAL/00098**

BETWEEN

SHAVAROUS WOODSIDE

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Honourable Madam Justice Weech-Gomez

Appearances: Brent McNeil for the Director of Public Prosecutions
The Applicant pro se

Hearing Date: 18th June 2026

RULING – BAIL DECISION

*Criminal Law – Bail – The Constitution – Bail Act, Chapter 103 (as amended) –
Murder – Armed Robbery – Character and antecedents – Risk of absconding –
Protection of the public – Application for bail*

WEECH-GOMEZ, J.

Introduction

[1.] The Applicant, **Shavarous Woodside**, is a 46-year-old male charged with one (1) count of **Murder** contrary to sections 290(1) and 290(1)(b) of the Penal Code, Chapter 84, and one (1) count of **Armed Robbery** contrary to section 339(2) of the Penal Code, Chapter 84.

[2.] The Applicant was arrested on the 16th day of January 2026 and now moves the Court for bail.

Applicant's Evidence

[3.] During the hearing before the Court the Applicant stated the following:

- a) That he is not a threat to the public.
- b) That he had never fled the country.
- c) That while he did return from Jamaica, the offence with which he is charged was not the reason for his having been there.
- d) That he has no knowledge of this crime and the person accused was said to have braids and that he has dread locks.
- e) That he is not involved in any of the phone calls, I have no knowledge as to why I was charged.
- f) That he does not have a relationship with the others.
- g) That he is unaware as to when his next court date is and that he is not yet in receipt of his VBI.
- h) That he would like to be released to see who is trying to frame him and also so he can retain an attorney.
- i) That he is a truck driver and supervisor for a construction company.
- j) That the prosecution is looking at what one witness said and that she must have been told what to say by her boyfriend.
- k) That I have never been arrested or accused of an allegation like this before.
- l) That he was in jail in 2009 for unlicensed firearms.

Respondent's Evidence

[4.] In support of its objection to the application for bail the Respondent relied on the affidavit of **Calnan Kelly**, sworn on the 16th day of June 2026, and directed the Court to the following:

- a) That, as appears at paragraph 5 of the affidavit, the Applicant is not of good character, having a number of previous convictions, and that his offending has escalated.
- b) That the evidence against the Applicant is cogent and strong, the Court being directed to paragraphs 7 and 8 of the affidavit.
- c) That the Applicant fled to Jamaica and returned to The Bahamas in January 2026.
- d) That the incident took place on Sunday 15th June 2025 at approximately 11:45 a.m.
- e) That the Applicant is a threat to the public.
- f) That the Court be reminded of the prevalence of firearms and the harm they inflict.
- g) That there has been no unreasonable delay, the Voluntary Bill of Indictment being in the course of preparation.

Law

[5.] The Applicant is presumed to be innocent of all charges unless and until he has been convicted. By virtue of Article 20(2)(a) of The Constitution of The Bahamas:

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

[6.] Section 4(1) of the Bail Act, Chapter 103 (“Bail Act”) provides:–

“(1) Notwithstanding any other enactment, where any person is charged with an offence mentioned in Part B of the First

Schedule, the Court shall order that that person shall be detained in custody for the purpose of being dealt with according to law, unless the Court is of the opinion that his detention is not justified, in which case, the Court may make an order for the release, on bail, of that person and shall include in the record a statement giving the reasons for the order of release ... Provided that, where a person has been charged with an offence mentioned in Part B of the First Schedule after having been previously convicted of an offence mentioned in that Part, and his imprisonment on that conviction ceased within the last five years, then the Court shall order that the person shall be detained in custody.”

[7.] Section 4(2), (2A) and (2B) of the Bail Act provides, in relation to an offence mentioned in Part C of the First Schedule, that such a person shall not be granted bail unless the Supreme Court or the Court of Appeal is satisfied that the person charged has not been tried within a reasonable time, is unlikely to be tried within a reasonable time, or should be granted bail having regard to all the relevant factors including those specified in Part A of the First Schedule. For the purpose of section 4(2)(c), 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, are to be primary considerations.

[8.] The factors the Court must take into account when considering the grant of bail are set out in Part A of the First Schedule to the Bail Act, which provides as follows:

“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; or (iii) interfere with witnesses or otherwise obstruct the course of justice ... (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; (g) the nature and seriousness of the offence and the nature and strength of the evidence against the defendant.”

[9.] The Court’s role during a bail hearing is not to conduct a mini-trial. In *Jonathan Armbrister v A.G.* SCCrim App. No. 145 of 2011, at paragraph 13, John JA stated:

“... the proper test of whether bail should be granted or refused is whether it is probable that the defendant will appear to take his trial, and that bail is not to be withheld merely as a punishment ... The seriousness of the offence with which the accused is charged and the penalty which is likely to entail upon conviction, has always been and continues to be an important consideration determining whether bail should be granted or not. Naturally, in cases of murder and other serious offences, the seriousness of the offence invariably weighs heavily on the case against the grant of bail.”

[10.] The nature and seriousness of an offence was also considered in *Hurnam v The State* [2006] 3 LRC 370, applied in *Stephon Davis v The Director of Public Prosecutions* SCCrApp No. 108 of 2021, where Lord Bingham of Cornhill stated:

“[15] It is obvious that a person charged with a serious offence, facing a severe penalty if convicted, may well have a powerful incentive to abscond or interfere with witnesses likely to give evidence against him ... Where there are reasonable grounds to infer that the grant of bail may lead to such a result, which cannot be effectively eliminated by the imposition of appropriate conditions, they will afford good grounds for refusing bail.”

[11.] In *Cordero McDonald v The Director of Public Prosecutions* SCCrApp No. 121 of 2023, the Court of Appeal held:

“... it is not the duty of a judge considering a bail application to decide disputed facts or law ... The judge must simply decide whether the evidence raises a reasonable suspicion of the commission of the offences by the appellant, such as to justify the deprivation of his liberty by arrest, charge and detention. Having done that he must then consider the relevant factors and determine whether he ought to grant him bail.”

Analysis and Disposal

[12.] Although it is not the function of the Court on such a hearing to conduct a mini-trial, the Court must decide whether the evidence raises a reasonable suspicion of the commission of the offences by the Applicant such as to justify the deprivation of his liberty. Having so satisfied itself, the Court must then direct its attention to the relevant factors set out under the Bail Act in determining whether to grant the Applicant bail.

[13.] Having regard to the evidence in its entirety, and to the affidavit of Calnan Kelly, the material placed before the Court including the account of the eyewitness, the record of interview relied upon, and the surveillance evidence

referred to at paragraphs 7 and 8 of the affidavit raises a reasonable suspicion of the commission of the offences by the Applicant sufficient to justify his continued detention pending trial.

[14.] Unlike some applicants who come before the Court, the Applicant is not a man of previous good character. His antecedents disclose a number of previous convictions, including offences of a serious nature. This is a relevant consideration under Part A of the First Schedule, and it engages the character and antecedents of the Applicant as a primary consideration under section 4(2B) of the Bail Act.

[15.] The offences with which the Applicant is charged murder and armed robbery are of the utmost seriousness and carry severe penalties upon conviction. As Lord Bingham observed in *Hurnam*, a person charged with a serious offence and facing a severe penalty may well have a powerful incentive to abscond.

[16.] The Court has considered the Respondent's submission that the Applicant left the jurisdiction for Jamaica and returned only in January 2026, as against the Applicant's evidence that he never fled and that the offence was not the reason for his having been abroad. While the Applicant did return to the jurisdiction, the fact of his having been outside The Bahamas remains a matter the Court is entitled to weigh, together with the gravity of the charges, in assessing the risk that he may fail to surrender to custody.

[17.] The Court is mindful of the prevalence of firearm-related offending in the community and of the grave harm such offending inflicts, and of the need to

protect the safety of the public, which is a primary consideration under section 4(2B) of the Bail Act.

[18.] There has been no unreasonable delay. The incident is alleged to have occurred on 15th June 2025; the Applicant was arrested on 16th January 2026; and the Voluntary Bill of Indictment is in the course of preparation.

[19.] Having weighed all of the relevant factors, and having particular regard to the seriousness of the offences, the strength of the evidence, the Applicant's antecedents, and the risk of his absconding, I am not persuaded that the conditions available to the Court would be sufficient to secure the Applicant's attendance at trial or to protect the safety of the public. I am persuaded by the Respondent's arguments that the Applicant is not a fit and proper candidate for bail.

[20.] The Applicant's application for bail is therefore denied.

Dated the 2nd day of June 2026

The Honourable Madam Justice Jeanine Weech-Gomez