COMMONWEALTH OF THE BAHAMAS **Crim /Bal /00006/2018**

IN THE SUPREME COURT

Criminal Division

BETWEEN

NEVILLE KNOWLES

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: **The Honourable Mr Justice Darron Ellis**

Appearances: **Tenielle Brown with Erica Ingraham for the Respondent**

David Cash for the Applicant

Hearing Date: **29 September 2026**

BAIL RULING

Introduction

[1.] This is an application by Neville Knowles ("the Applicant") for admission to bail pending his trial on one count of attempted murder contrary to **section 292** of the **Penal Code, Chapter 84**. The Director of Public Prosecutions ("the Respondent") opposes the application, principally on the grounds of the seriousness of the offence, the Applicant's criminal antecedents, the risk that his release would pose to public safety, and the risk of further serious offending.

[2.] In determining this application, the Court must balance the Applicant's constitutional right to personal liberty and the presumption of innocence against the legitimate public interest in ensuring that persons accused of serious criminal offences attend trial and do not present an unacceptable risk to public safety.

[3.] Having considered the affidavit evidence, the relevant statutory provisions and the applicable legal principles, I am not satisfied that the Applicant ought to be admitted to bail at this time.

[4.] The Court's decision rests on the identified risk of further serious offending and the Court's finding that bail conditions would not sufficiently address that risk. It does not rest on a finding that the Applicant would abscond or interfere with witnesses. Nothing in this ruling determines his guilt or the ultimate reliability of the prosecution evidence.

[5.] I refuse the application for the reasons that follow.

Background

[6.] The Applicant is a 36-year-old Bahamian citizen who was charged before the Magistrates' Court on 20 May 2026 with attempted murder. He has remained in custody since that date. Before his arrest, he lived at Hospital Lane South, New Providence, and was reportedly employed in the Maintenance Department of Bahamas Power and Light.

[7.] The allegation arises from a shooting incident on 3 May 2026 in the Fleming Street area of New Providence. According to the Respondent, the virtual complainant, Ronal Aime ("the Complainant"), was involved in an encounter with the Applicant, during which the Applicant allegedly produced a firearm and discharged shots in the Complainant's direction, striking him in the left leg.

[8.] The Respondent relies upon a statement made by the Complainant on 13 May 2026, in which he identified the Applicant as the person responsible for shooting him. The Complainant stated that he knew the Applicant as Neville, also called "Sticka", and subsequently identified his photograph during a twelve-person photographic identification procedure.

[9.] In a supplemental affidavit sworn on 21 September 2026, the Respondent provided further particulars from the Complainant's initial account. According to that evidence, the Complainant observed a red or orange Nissan Cube, allegedly belonging to the Applicant, arrive in the area. A woman known as Vona was reportedly driving, with the Applicant occupying the passenger seat.

[10.] It is alleged that the Applicant confronted the Complainant over an accusation involving another individual known as "Shaggy", before producing a firearm fitted with what the Complainant described as a silencer. The Applicant allegedly discharged two shots, striking the Complainant in the upper thigh, before departing in the vehicle.

[11.] The Court emphasises that these matters remain allegations. The Applicant denies involvement, maintains his innocence and is entitled to the presumption of innocence unless and until proven guilty according to law.

Evidence of the Applicant

[12.] In his affidavit sworn on 20 July 2026, the Applicant asserts that he is not a flight risk and that, if released, he would comply with all conditions imposed by the Court. He further maintains that he has a fixed residence, was gainfully employed before his arrest, and would not interfere with witnesses.

[13.] The Applicant acknowledges a previous conviction for armed robbery in 2015 but states that he has no other pending criminal matters. He also contends that the evidence against him is weak because he was not identified at an identification parade and has made no admission of involvement.

[14.] These matters are considered below, alongside the Respondent's evidence and the statutory factors.

Evidence of the Respondent

[15.] The Respondent relies upon an affidavit sworn by Tanesha Forbes on 14 August 2026, together with a supplemental affidavit sworn on 21 September 2026. The Respondent maintains that the evidence linking the Applicant to the alleged offence is cogent and that the Applicant's previous convictions raise significant concerns about public safety.

[16.] The criminal antecedent record exhibited by the Respondent discloses a history of offending extending over several years. Of particular significance are convictions recorded in December 2015 for armed robbery and possession of a firearm with intent to endanger life. The record also discloses subsequent convictions in July 2017 for possession of an unlicensed firearm and ammunition, for which concurrent terms of imprisonment were imposed.

[17.] The Respondent submits that the Applicant's antecedents, considered with the present allegation, establish a risk of further offending and danger to the public. Whether the evidence supports that submission is considered below.

[18.] The Court must independently assess whether the evidence provides a sufficient foundation for that contention. The Respondent's mere expression of a belief cannot, by itself, justify continued detention.

Issue

[19.] The issue is whether the Applicant is a fit and proper person to be admitted to bail.

The Applicable Law

[20.] **Article 19** of the **Constitution of the Commonwealth of The Bahamas** protects the right to personal liberty, subject to the exceptions recognised by law. **Article 20(2)(a)** further guarantees the presumption of innocence. These protections remain fundamental notwithstanding the seriousness of the charge confronting an accused person.

[21.] The governing statutory framework is the **Bail Act, Chapter 103**. Attempted murder is an offence specified in **Part C** of the **First Schedule**. Accordingly, **section 4(2)** provides that a person charged with such an offence shall not be granted bail unless the Supreme Court or Court of Appeal is satisfied that the person has not been tried within a reasonable time or ought to be granted bail having regard to the relevant statutory considerations.

[22.] **Section 4(2B)** expressly identifies the character and antecedents of the accused, the need to protect public safety or public order and, where appropriate, the safety of the victim as primary considerations in the determination of bail applications concerning **Part C** offences.

[23.] **Part A** of the **First Schedule** further requires the Court to consider, among other matters, whether there are substantial grounds for believing that the accused, if released, would fail to surrender to custody, commit further offences or interfere with witnesses or otherwise obstruct the course of justice. The Court must also consider the nature and seriousness of the offence and the nature and strength of the evidence. Where violence is alleged against another person, the protection of the alleged victim is a paramount consideration.

[24.] In **Cordero McDonald v The Attorney General**, SCCrApp No. 195 of 2016, the Court of Appeal explained that a judge considering bail need not resolve disputed facts or conduct a detailed forensic examination of the prosecution's case. The Court's task is to determine whether the evidence discloses a reasonable suspicion sufficient to justify the charge and thereafter to consider the relevant factors governing the exercise of the bail discretion.

[25.] In **Duran Neely v The Attorney General**, SCCrApp No. 29 of 2018, the Court of Appeal emphasised that the three-year period referred to in **section 4** of the **Bail Act** does not confer an unrestricted entitlement upon the State to detain an accused person for that period. In every case, the Court must balance the accused's right to liberty against the need to protect society.

[26.] In **Kyle Farrington v The Director of Public Prosecutions**, SCCrApp No. 80 of 2019, the Court of Appeal further emphasised that the seriousness of an offence does not, without more, establish substantial grounds for believing that an accused will abscond or interfere with witnesses. The Court must identify a proper evidential basis for its conclusions and consider whether suitable conditions could sufficiently reduce any identified risks.

[27.] 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 bail applicant '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."

[28.] In **Jeremiah Andrews v Director of Public Prosecutions**, Appeal No. 163 of 2019, *Evans JA* (as he then was) 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."

[29.] Where there are reasonable grounds to infer that release may lead to absconding, interference with witnesses or another identified statutory risk that bail conditions cannot adequately address, refusal is justified as per **Hurnam v The State (Mauritius)** [2005] UKPC 49; [2006] 3 LRC 370, as applied in **Stephon Davis v Director of Public Prosecutions**, SCCrApp No. 108 of 2021.

[30.] Accordingly, neither the serious nature of the present charge nor the Applicant's criminal antecedents automatically determines this application. The Court must evaluate all relevant circumstances and give the statutory considerations their proper weight.

Analysis and Findings

Nature and Strength of the Evidence

[31.] The offence of attempted murder is undoubtedly serious, particularly where its commission is alleged to involve the deliberate discharge of a firearm at another person. Nevertheless, the gravity of the allegation is not, by itself, sufficient to justify refusing bail.

[32.] The Applicant challenges the strength of the prosecution's case, principally on the basis that he was not identified during an identification parade. However, the evidence disclosed by the Respondent is not simply that of a witness attempting to identify an unknown assailant. The Complainant maintains that he knew the Applicant before the incident, referred to him by name and alias, and subsequently identified his photograph.

[33.] Accordingly, the evidence appears to involve recognition of a previously known individual rather than identification of a stranger. The prosecution therefore relies on asserted recognition, rather than identification of a stranger. Although the reliability of that recognition and the circumstances of the subsequent photographic identification may properly be challenged at trial, the absence of an identification parade does not, in the circumstances disclosed, render the prosecution's case inherently weak.

[34.] The Complainant's account is also sufficiently particularised to describe the alleged confrontation, the firearm used, the discharge of shots and the injury sustained. At this preliminary stage, I am satisfied that the prosecution material discloses a reasonable suspicion connecting the Applicant with the alleged offence.

[35.] I make no determination concerning the ultimate reliability or truthfulness of the Complainant's evidence. Such matters must be decided at trial. The findings expressed herein are confined exclusively to the determination of the present application.

Character and Criminal Antecedents

[36.] I turn to the Applicant's criminal antecedents, which are of considerable importance in the present application. The Applicant acknowledges a conviction for armed robbery in 2015. The record exhibited by the Respondent also discloses a conviction in December 2015 for possession of a firearm with intent to endanger life, and convictions in July 2017 for possession of an unlicensed firearm and ammunition.

[37.] I attach substantially less weight to the earlier entries concerning offending during the Applicant's youth, having regard to their age and his circumstances at the time. The

adult convictions are more significant to the present assessment because they involve firearms and, in some instances, serious violence.

[38.] Those convictions occurred several years ago. Their age must be weighed, and their existence does not by itself justify refusing bail. Nor may the present allegation be treated as proof that the Applicant has offended again.

[39.] The question is the significance of the established antecedents when assessed alongside the prosecution material presently before the Court.

[40.] That material alleges that, following a personal confrontation, the Applicant deliberately discharged a firearm at the Complainant and injured him. For the reasons already given, it discloses a reasonable suspicion connecting the Applicant to the alleged offence.

[41.] Considered together, the nature of the adult convictions and the particular circumstances of the alleged shooting provide the basis for my finding of substantial grounds for believing that the Applicant's release would present a significant risk of further serious offending.

Public Safety and the Protection of the Complainant

[42.] **Section 4(2B)** of the **Bail Act** requires the Court to give primary consideration to the need to protect public safety and, where appropriate, the safety of the alleged victim. That obligation assumes particular significance where an accused has previously been convicted of serious firearm offences and is now alleged to have deliberately discharged a firearm at another person following a personal confrontation.

[43.] The allegation in the present case does not involve an accidental or incidental use of force. The prosecution case is that the Applicant, following an exchange with the Complainant, deliberately produced a firearm and discharged shots in his direction, causing injury.

[44.] The Court does not treat that allegation as fact. Nevertheless, its nature, when assessed together with the Applicant's relevant antecedents and the identification evidence presently disclosed, provides a sufficiently concrete basis for concern that his release may expose members of the public to further serious violence.

[45.] I am particularly mindful of the statutory requirement to protect the alleged victim. The Complainant is said to have known the Applicant personally. Although there is no

evidence presently before the Court of threats made against the Complainant since the incident, the nature of the alleged confrontation and shooting is relevant to the assessment of his safety.

[46.] Having considered these matters cumulatively, I find that there are substantial grounds for believing that the Applicant's release would present a significant risk of further serious offending and thereby endanger public safety. This conclusion is based not merely on the seriousness of the charge, but on the particular circumstances of the alleged offence considered together with the Applicant's established criminal antecedents.

Risk of Absconding and Interference with Witnesses

[47.] The Respondent has not placed before the Court specific evidence that the Applicant has previously absconded, failed to attend court while on bail, threatened a witness or attempted to interfere with the administration of justice.

[48.] I therefore do not consider it appropriate to find that there are substantial grounds for believing that the Applicant would abscond or interfere with witnesses merely because he faces a serious charge. The Court must distinguish between risks properly supported by evidence and those which remain speculative.

[49.] The Applicant's fixed residential address, previous employment and declaration that he would comply with court-imposed conditions are factors which weigh in his favour. They are not, however, conclusive of the separate question whether his release would pose an unacceptable risk to public safety.

[50.] Accordingly, I do not rest the refusal of bail upon any positive finding that the Applicant would fail to attend his trial or interfere with witnesses. Rather, the principal concern in this application relates to the risk of further serious offending and the protection of the public.

Whether Conditions Would Sufficiently Address the Risks

[51.] The Court has considered whether appropriate conditions could sufficiently reduce the identified risks. These could include substantial sureties, surrender of travel documents, regular reporting to a police station, electronic monitoring, a curfew, restrictions upon movement and a prohibition against contact with the Complainant or other prosecution witnesses.

[52.] Such conditions can help secure attendance at trial and reduce the risk of absconding or witness interference. However, their effectiveness in preventing further acts of violence depends on the particular circumstances of each case.

[53.] In the present case, the concern is not simply that the Applicant may fail to report or leave the jurisdiction. It is that, having regard to the seriousness and nature of his previous offending and the circumstances of the present allegation, there exists a substantial risk of further serious firearm violence.

[54.] Electronic monitoring may assist the authorities in determining an accused person's whereabouts, but it cannot necessarily prevent the immediate commission of a violent offence. Similarly, reporting requirements, sureties and curfew restrictions do not necessarily eliminate the risk of serious violence occurring between reporting periods.

[55.] The question is not whether the conditions would eliminate every possibility of offending, but whether they would sufficiently reduce the identified risk. Having considered the available measures individually and collectively, I am not satisfied, in the particular circumstances of this application, that conditions short of detention would sufficiently address the public-safety risk which I have identified.

Delay

[56.] The Applicant was remanded into custody on 20 May 2026. The material before the Court indicates that, at the time of his supporting affidavit, a Voluntary Bill of Indictment was expected to be presented on 27 August 2026. The documents considered for this ruling do not provide a confirmed date for the commencement of trial.

[57.] At the date of this ruling, the period of detention must be assessed in the context of the present stage of the proceedings and any reliable information concerning their likely progress. The Court remains conscious that the constitutional obligation to afford an accused person a trial within a reasonable time is continuing and cannot be displaced merely by reference to the statutory three-year period.

[58.] On the information presently available, I am not satisfied that the Applicant has established that he has already been detained without trial for an unreasonable period.

Conclusion

[59.] I have weighed the Applicant's right to personal liberty and the presumption of innocence, his fixed residence, previous employment, stated willingness to comply with conditions and the period he has spent in custody.

[60.] Against those matters, I have considered the prosecution material connecting him to the alleged shooting, his established convictions involving firearms and violence, and the reasons given above for finding that conditions would not sufficiently address the identified risk.

[61.] My decision does not rest on the seriousness of the charge or the existence of previous convictions alone. It rests on their significance in the particular circumstances addressed in this ruling. For those reasons, I find substantial grounds for believing that the Applicant's release would present an unacceptable risk of further serious offending. The application for bail is therefore refused.

Order

[62.] For the foregoing reasons, the Court orders as follows:

- The Applicant's application for bail is refused.
- The Applicant shall remain remanded in custody pending further order of a court of competent jurisdiction.
- This ruling does not preclude a further bail application founded upon a material change in circumstances, including any unreasonable delay in bringing the Applicant to trial.
- The Applicant is at liberty to exercise his statutory right of appeal to the Court of Appeal.

Dated this 9th day of November, A.D. 2026.

The Hon. Mr Justice Darron Ellis