

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

CRIMINAL LAW DIVISION

2024/CRI/bal/000219/

B E T W E E N

MARCUS A. SAUNDERS

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Honourable Mr. Justice Franklyn K M Williams, KC

Appearances: Cassie Bethel for the Applicant

Janessa Murray for the Director of Public Prosecutions

Hearing Dates: 16 April 2024; 23 April; 2024; 11 June 2024

RULING

WILLIAMS, J

[1.] The Applicant, charged with one count of possession of unlicensed firearm and one count of possession of ammunition, one count of resisting arrest, and one count of possession of dangerous drugs, seeks bail. At the time of his arrest and arraignment on 30 March 2024 for the present charges in, he was on bail on an allegation of attempted murder, and four counts of possession of a firearm with intent to endanger life, alleged to have been committed on 27 June 2020; subsequently, the applicant was charged with and granted bail for disorderly conduct, the using obscene language, resisting arrest, assault of a police officer, disorderly behavior in a police station, all alleged to have been committed on 4 July 2022. The present offences are such, that upon conviction, the Applicant may be imprisoned for twelve months or more.

[2.] The Applicant is presumed innocent.

[3.] There is no evidence that the Applicant will not have trial within a reasonable trial.

[4.] There is no evidence that, if released on bail, the Applicant would fail to surrender to custody or appear at his trial.

[5.] Having previously been released on bail on allegations of attempted murder, possession of firearm with intent to endanger life, the Applicant is here charged with offences which are similar thereto **and** which are punishable by terms of imprisonment exceeding one year.

[6.] The possession of an unlicensed firearm is a serious offence. In this regard, I take judicial notice almost all other serious crimes committed in the Bahamas (New Providence, in particular) are attended by the possession and or use of a firearm.

[7.] The evidence adduced is strong, cogent and raises the reasonable suspicion of the commission of the offences by the Applicant. The Applicant, as it were, is alleged to have been caught "red handed" committing the offences by police officers.

[8.] The Applicant is not of good character, having a conviction for causing grievous harm and three separate convictions of possession of dangerous drugs. These antecedents, coupled with the serious nature of the pending allegations lead me to the conclusion that the Applicant is a threat to the public safety and public order, **and is** likely to commit an offence if granted bail.

[9.] While I am satisfied that the usual conditions of reporting, curfew and attachment of electronic monitoring device ("EMD") would suffice to secure the Applicant's attendance at court (if that were an issue), these conditions, in my view are plainly ineffective to ameliorate and or

mitigate the threat to public safety and public order that I have found the Applicant to be. The Applicant was on bail, EMD attached at the time of his arrest and charge here.

[10.] In the premises, having considered the evidence and relevant factors, I find the Applicant is not a fit and proper candidate for admittance to bail. Bail is refused.

Dated the 12th day of July 2024


Franklyn K M Williams, KC

Justice