

**COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
CRIMINAL DIVISION**

**2024  
CRI/bal/00029**

**BETWEEN**

**CRISTAN JOHNSON**

Applicant

V

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

Respondent

**BEFORE: The Honourable Senior Justice Mrs. Cheryl Grant-Thompson**

**APPEARANCES: Ms. Cassie Bethel - Counsel for the Applicant**  
**Ms. Kristin Butler-Beneby - The Office of the Director of Public Prosecutions for the Respondent**

**HEARING DATES: February 16th, 2024; May 8th, 2024**

**BAIL JUDGMENT**

*Bail - Bail Act - Application for Bail –Bahamian-Ties to Community-Whether applicant is a fit and proper candidate for bail; Duran Neely v The Attorney General Appeals No. 29 of 2018; Jevon Seymour v The Director of Public Prosecution SCCrApp No. 115 of 2019; Hurnam v The State (Privy Council Appeal No. 53 of 2004)(Hurnam)*

**GRANT-THOMPSON, J**

1. The Applicant, **Cristan Johnson** (born on the 11<sup>th</sup> day of December A.D. 2005) now eighteen (18) years of age, seeks bail in relation to the offence of **Attempted Murder (1 count)** contrary to Section 292 of the Penal Code, Chapter 84, and **Possession of a Firearm with Intent to Endanger Life** contrary to Section 33 of the Firearms Act, Chapter 213.
  
2. The Applicant's application for bail was made by way of Summons supported by Affidavit, filed on the 31<sup>st</sup> day of January, 2024, which stated that:
  - a. The Applicant is a citizen of the Commonwealth of The Bahamas, aged 18, having been born on the 11<sup>th</sup> day of December 2005;
  - b. The Applicant was arraigned in Magistrate Court No. 9 before then Acting Chief Magistrate Mr. Roberto Reckley on the 18th day of December, 2023;
  - c. The Applicant pled not guilty and will be defending these charges at trial;
  - d. The Applicant does not have any pending matters before the Court in the Commonwealth of The Bahamas;
  - e. The Applicant does not have any prior convictions before the Courts in the Commonwealth of The Bahamas;
  - f. Should this Honourable Court admit the Applicant to bail, he will have accommodations at No. 64 Washington Street, New Providence, Bahamas;
  - g. Prior to the Applicant's incarceration he was employed in the Construction field, New Providence, Bahamas;
  - h. The Applicant respectfully requests that this Court grant him bail for the following additional reasons;
    - i. That the Applicant will be disadvantaged in his ability to adequately prepare his defence if he is further remanded;
    - ii. That the Applicant will be disadvantaged in his ability to support himself and assist his family.
  
3. The Respondent objected to the grant of bail by Affidavit in Response of Karine MacVean dated the 14<sup>th</sup> of February, 2024, citing inter alia, that;
  - a. The Applicant, **Cristan Johnson** (born on the 11<sup>th</sup> day of December A.D. 2005) now eighteen (18) years of age, seeks bail in relation to the offence of **Attempted Murder (1 count)** contrary to Section 292 of the Penal Code,

- Chapter 84, and **Possession of a Firearm with Intent to Endanger Life** contrary to Section 33 of the Firearms Act, Chapter 213;
- b. The aforementioned offences were alleged to have occurred on Friday 8th December, 2023. The particulars of the Attempted Murder offence are that on the 8th of December, 2023, the Applicant while at New Providence did attempt to murder Barry Knowles. The particulars of the offence of Possession of a Firearm with Intent to Endanger Life are that the Applicant on the 8th of December, 2023, did have in his possession a firearm to wit, a handgun with intent by means thereof to endanger the life of Barry Knowles (“VC”);
  - c. The Respondent submitted that the evidence against the Applicant is cogent and there are substantial grounds for believing that the said evidence raises a reasonable suspicion of the commission of the aforementioned offences, such as to justify the deprivation of liberty by arrest, charge and detention;
  - d. The VC states that, himself and the Applicant have an ongoing beef emanating from high school. Additionally, the VC states that the feuds arise from gang involvement. The VC further stated that he is affiliated with a gang known as One Order and the Applicant is a part of the Mad Ass gang;
  - e. In the circumstances the Respondent has substantial grounds for believing that if released on bail there will be retaliatory killings;
  - f. In addition to the cogency of the evidence, the Respondent asserts that the Attempted Murder and Possession of a Firearm with Intent to Endanger Life charges are serious offences. Therefore, due to the nature and the seriousness of the aforementioned offences and the severity of each sentence, if convicted, provides sufficient incentive for the Applicant not to appear for his trial. the Respondent has substantial grounds for believing that the Applicant will abscond and not appear to stand trial;
  - g. The Respondent further submitted that there are substantial grounds for believing that the Applicant if released on bail, would interfere with the VC or otherwise obstruct the course of justice, whether in relation to himself or any other person. According to the evidence of Alandia Simeon, the Applicant and the VC lives within close proximity. As a result of their ongoing gang feud it is the Respondent’s belief that the retaliatory attacks will take place;
  - h. The Respondent also asks this Honourable Court to take Judicial Notice of the retaliatory and gang killings in New Providence. In particular, a number

of Applicants charged with serious offences who, when released on bail, were themselves murdered;

- i. Although the Applicant is presumed innocent, the Respondent prays that this Honourable Court exercise a balancing act as it relates to public safety and order;
  - j. There is nothing peculiar about the Applicant's detention which suggests the same is unjustified or unfair at this time;
  - k. In the circumstances, the Respondent asks this Honourable Court to take judicial notice of the notorious facts such as the high rate of Murders and Attempted Murders in the community and the growing culture of vigilantism;
  - l. According to the Applicant's Royal Bahamas Police Force Criminal Records Antecedent Form dated the 9th of February, 2024, the Applicant does not have any prior convictions or pending matters. However, based on the evidence of Alandia Simeon, the Applicant assaulted the VC in 2022. This suggests that the Applicant has a propensity for violence and will continue to interfere with the VC;
  - m. The Respondent verily believes that there are substantial grounds for believing that the Applicant should be kept in custody for his own protection and for the safety of the public. In particular, given the fact that the One Order gang is involved in an ongoing feud with the Mad Ass gang, there is a strong likelihood that there will be retaliation;
  - n. The Applicant will be tried within a reasonable time, as the offence occurred on the 8th of December, 2023;
  - o. Further, the Respondent also verily believes that there are no conditions that can be imposed that protect the Applicant, the VC and the public from harm, as well as effectively eliminate or diminish the risk of the Applicant absconding and not appearing to stand trial, interfering with witnesses or otherwise obstructing the course of justice whether in relation to himself or any other person, retaliation and committing further offences; and
  - p. With due consideration of the aforementioned, it is proffered that the Applicant is not a fit and proper candidate for bail.
4. The Crown has laid before the Court a myriad of reasons why they believe this Applicant is not a fit and proper candidate for bail. The primary reasons are the cogency of the evidence against him in this matter and also that there no conditions available to the court to ensure the Applicant does not abscond. The

Crown also requested that bail be denied for his own safety and due to there being nothing peculiar relative to his present circumstances.

### **THE APPLICABLE LAW**

5. The Applicant is presumed to be innocent of the charges contained in the Indictment. In this regard Article 20(2)(a) of The Constitution of The Bahamas obtain and states:

***“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. Furthermore, Article 19(1)(b) of the Constitution guarantees that no person shall be deprived of personal liberty, save upon reasonable suspicion of having committed a criminal offence. Although personal liberty is guaranteed by the Constitution the law authorizes the taking away of that personal liberty upon reasonable suspicion of a person having committed a crime.

7. Parliament has set general standards for the Court’s consideration when deciding the issue of bail. So far as is applicable in the instant case the Bail Act 2011 amendment provides:

***“3. Amendment of section 4 of the principal Act.***

***Subsections (2) and (3) of section 4 of the Bail Act are repealed and replaced as follows-***

***“(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;***

***(b) is unlikely to be tried within a reasonable time; or***

***(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.), and where the court makes an order for the release, on bail, of that person it shall include in the record a written statement giving the reasons for the order of the release on bail.***

***(2B) For the purpose 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 victim or victims of the alleged offence, are to be primary considerations.*

#### **PART A**

*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, whether in relation to himself or any other person;*
  
- (b) whether the defendant should be kept in custody for his own protection or, where he is a child or young person, for his own welfare;*
  
- (c) whether he is in custody in pursuance of the sentence of a Court or any authority acting under the Defence Act;*
  
- (d) whether there is sufficient information for the purpose of taking the decisions required by this Part or otherwise by this Act;*
  
- (e) whether having been released on bail in or in connection with the proceedings for the offence, he is arrested pursuant to section 12;*
  
- (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”*

#### **TRIAL WITHIN A REASONABLE TIME**

8. Section 3(2)(A)(a) of the Bail (Amendment) Act 2011 (the Act) states:

*“2(A) For the purpose of subsection (2)(a) and (b)—*

- (a) without limiting the extent of a reasonable time, a period of three years from the date of the arrest or detention of the person charged shall be deemed to be a reasonable time;”*

9. In **Duran Neely v The Attorney General Appeals No. 29 of 2018**, Evans JA at paragraph 17 stated:

*“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.”*

10. Section 4(2)(a) the Bail (Amendment) Act 2011 requires the judge to consider whether there has been such unreasonable delay as will warrant the Applicant being admitted to bail because his fair trial rights are in jeopardy. After hearing the oral submissions and reviewing the Affidavit evidence provided to this Court by Counsel for the Applicant and Counsel for the Respondent, this Honourable Court finds that the Applicant will be tried within a three-year period, which has been deemed to be reasonable by Parliament.
11. According to the Affidavit evidence provided by the Respondent the offences of Attempted Murder and Possession of a Firearm with Intent to Endanger Life, both allegedly occurred on Friday 8th December, 2023. The Applicant was then arraigned in Magistrate Court No. 9 before Acting Chief Magistrate Mr. Roberto Reckley (as he then was) on the 18th day of December, 2023. Further, the Applicant filed his bail application on the 31st of January, 2024. This Court also notes that there is nothing peculiar about the Applicant’s detention which suggests the same is unjustified or unfair at this time.
12. Taking these factors into consideration this Honourable Court is of the view that there has been no unjust delay in the prosecution of the Applicant’s matter. As such, the considerations under Section 4(2)(a) of the Bail (Amendment) Act 2011

which the Court is mandated to take into account in determining a Bail Application has failed as the Applicant in this matter, barring there are no setbacks, will commence his trial within three (3) years from the date of his arrest and detention.

### **CHARACTER OR ANTECEDENTS OF THE APPLICANT**

13. According to the Affidavit evidence of the Respondent, the Applicant has been charged with the offences of **Attempted Murder (1 count)** contrary to Section 292 of the Penal Code, Chapter 84, and **Possession of a Firearm with Intent to Endanger Life** contrary to Section 33 of the Firearms Act, Chapter 213. Other than these current charges the Criminal Antecedent Form of the Applicant does not show any prior convictions or pending matters before the Court. It was also submitted to this Court that before the Applicant was arrested, he was employed in the Construction field.
14. However, although the Antecedent Form of the Applicant states that he has no previous or pending convictions, this Court noted that the Applicant was allegedly has been identified as an active member of the street gang known as “Mad Ass”. The Applicant is young (18 years of age), he has no prior convictions nor pending charges before any Court. This Court finds him to be a man of good character. A primary consideration (subsection (2B) of the Bail (Amendment) Act 2011, for the purpose of subsection (2)(c)) is the character or antecedents of the person charged. The Applicant is innocent until proven guilty. Based on the current information **he is a man of good character.**

### **LIKELIHOOD OF THE APPLICANT TO ABSCOND**

15. The Privy Council in *Hurnam v The State (Privy Council Appeal No. 53 of 2004)*(*Hurnam*) as per Lord Bingham of Cornhill, commented this:

*“It is obvious that a person charged with a serious offence, facing a severe penalty if convicted, may well have an incentive to abscond or interfere with witnesses likely to give evidence.”*



16. Similarly in **Jonathan Armbrister v The Attorney General** SCCrApp. No.145 of 2011 John, JA observed as follows:-

*“12. It has been established for centuries in England that 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 punishment...”*

17. For **Attempted Murder** and **Possession of a Firearm with Intent to Endanger Life** are serious in nature. Upon conviction for the offence of Attempted Murder, the Court may impose a sentence of life imprisonment. Additionally, the Court may also impose a sentence of fifteen (15) years for the offence of Possession of a Firearm with Intent to Endanger Life, if convicted. It follows therefore that the Applicant facing these serious charges for which he is liable to a severe penalty, if convicted, he has an incentive to abscond and not appear for trial. However, though the Court takes note that the Applicant is charged with a serious offence, the position is still held that he is innocent until proven guilty. As a result of this the Court adopts the view held within the case of **Jonathan Armbrister** which shows that bail is not to be withheld merely as punishment.

18. In **Cordero McDonald v. The Attorney General** SCCrApp No 195 of 2016, Allen P., explained the extent of the judge’s task in relation to the evidence which is adduced before the court on a bail application. Allen P., explained:

*“34. It is not the duty of a judge considering a bail application to decide disputed facts or law and it is not expected that on such an application a judge will conduct a forensic examination of the evidence. The judge must simply decide whether the evidence raises a reasonable suspicion of the commission of the offences such as to justify the deprivation of 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.”*

19. After reviewing the evidence against the Applicant, this Court has concluded that due to the serious nature of the offences the Applicant has been charged with, coupled with the stiff penalties that accompany it, there does in fact exist a reasonable suspicion of the commission of the offence by the Applicant.

## **INTERFERE WITH WITNESSES OR OTHERWISE OBSTRUCT THE COURSE OF JUSTICE**

20. While it is true that the Board did express the view that the seriousness of the offence and the severity of the penalty may be an incentive to interfere with witnesses, the Board in the case of *Hurnam* also expressed the view that there must be reasonable grounds to infer that there is a likelihood of interference with witnesses or obstruction of the course of justice. In this regard, Lord Bingham stated:

*“...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.”*

21. The Court of Appeal in the case of **Jonathan Armbrister and The Attorney General SCCrApp No. 145 of 2011 (Jonathan Armbrister)**, John JA at paragraph 11 stated:

*“11. A good starting point in reviewing the principles applicable where an appellant has been charged but not yet put on trial is the statement of Lord Bingham of Cornhill in Hurnam v The State (Supra) where he said at paragraph 1:*

*“In Mauritius, as elsewhere, the courts are routinely called upon to consider whether an unconvicted suspect or defendant should be released on bail, subject to conditions, pending trial... But the community has a countervailing interest, in seeking to ensure that the course of justice is not thwarted by the flight of the suspect or defendant or perverted by his interference with witnesses or evidence, and that he does not take advantage of the inevitable delay before trial to commit further offences”*

22. According to the evidence provided by the Respondent, the Virtual Complainant is well known to the Applicant. The Affidavit produced by the Respondent states that the Applicant and the Virtual Complainant reside within close proximity of each other. In addition to this, the Respondent also submitted that the Applicant and the Virtual Complainant are members of rival gangs- which are currently involved in an ongoing feud. Moreover, the Respondent also avers that this is not the first encounter between the Applicant and the Virtual Complainant, as there

was an incident in 2022. Under the circumstances, this Court finds that it is probable that the Applicant will interfere with the prosecution witnesses- if he is released on bail. This is a serious concern. In order to ameliorate this concern the Applicant will have to should that he can reside elsewhere.

### **NATURE AND SERIOUSNESS OF THE OFFENCE**

23. As indicated earlier, the allegations of **Attempted Murder** and **Possession of a Firearm with Intent to Endanger Life** are serious in nature. In the event that the Applicant is convicted of these offences there is a possibility that the maximum sentences may be imposed. The seriousness of the offence and the severity of the punishment may be viewed as an incentive for the Applicant to abscond and not return for his trial in the event that he is released on bail.

24. This Court accepts that the hearing of a bail application is not the appropriate place for assessing or determining the strength or weaknesses of the evidence that the Prosecution proposes to present at trial. The Court of Appeal expressed this view in the case of **A.G. v Bradley Ferguson**. Osadebay JA said at page 61 of the Judgment:

**“It seems to me that the learned judge erred in relying on his assessment of the probative value of the evidence against the respondent to grant him bail. That is for the jury at the trial. As stated by Coleridge J. in Barronet’s case earlier- the defendant is not detained because of his guilt but because there are sufficient probable grounds for the charge against him, so as to make it proper that he should be tried and because the detention is necessary to ensure his appearance at trial” (emphasis provided).....”**

25. This Court is guided by the Judgment of the Court of Appeal, and this Court therefore makes no findings on the probative value of the witness statements laid before it. This Court accepts that it is not the duty of a judge, during bail applications, to decide disputes of evidence as was seen recently in **Richard Hepburn v Attorney General SCCRAPP & CAIS No. 276 of 2014**. This Court also accepts that whether the evidence against the Applicant is strong or weak is yet to be determined.

26. In the case of **Jevon Seymour v The Director of Public Prosecution SCCrApp No. 115 of 2019**, Crane-Scott JA at paragraph 49 of Judgment stated:

*“49. As Lord Bingham pointed out at paragraph 16 of the Board’s decision in Hurnam, while recognizing that the severity of the sentence faced is a relevant element in the assessment of the risk of absconding or re-offending, the European Court of Human Rights has consistently insisted that:*

*‘the seriousness of the crime alleged and the severity of the sentence faced are not, without more, compelling grounds for inferring a risk of flight.’”*

27. Furthermore, the discussion by Crane-Scott JA in the case of **Seymour** at paragraphs 58 and 60 were also noteworthy:

*“58. On behalf of the Crown, Mr. Algernon Allen Jr., submitted that the judge exercised his discretion reasonably. He supported the judge’s decision and reasons set out in the judge’s Decision for refusing bail. There was no requirement, he said, for the judge to embark on a forensic examination of the evidence since the identification and recognition evidence and the question whether the Crown’s eye-witnesses were mistaken as the appellant alleged, were issues which (as the judge correctly found) were matters to be vetted at the trial.*

*60. Mr. Allen Jr. further relied on Hurnam and submitted that it is permissible on a bail application for a judge (as this judge did at paragraph 15 of his Decision) to take judicial notice of notorious facts, such as the high rate of murder in the community and the growing culture of vigilantism indicative of a break down in public order and a depreciation in public safety in denying bail to the appellant and to have regard to the fact that at the time of the incident, the victims and witnesses were located at the residence of the Head of State of The Bahamas”*

28. This Court also takes note of the decision handed down by the Learned Senior Judge The Honourable Justice Mr. Bernard Turner in the case **Alcott Foxx v Director of Public Prosecutions 2020/CRI/bal/No. 00472** at paragraph 9. In this matter the then Learned Senior Judge relied on the Court of Appeal case of **Jevon Seymour v Director of Public Prosecutions, No. 115 of 2019** at paragraph 68 which stated that:

*“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.* .... [Italicized emphasis added]"

29. What is apparent in this decision is that evidence capable of supporting a belief that the Applicant would interfere with witnesses, or himself be at risk of physical harm if released, is required. Applying this principle to the matter at hand, given that the Applicant is suspected of having gang affiliation, this Honourable Court is of the view that the Applicant would interfere with the Prosecutions witnesses if granted bail.

### **Retaliatory Killings**

30. This Court takes Judicial Notice of the retaliatory killings which have become prolific in our small island nation. Public safety is a paramount concern in the grant or denial of bail. This Honourable Court is concerned that if released the Applicant could be killed based on these serious allegations of his role in the street wars, or that innocent members of the public could be caught in the crossfire.

31. Firstly, it must be expressed that this Court fully understands that finding the allegations of **Attempted Murder** and **Possession of a Firearm with Intent to Endanger Life** for which the Applicant is charged, are of a serious nature is not in itself a reason for denying the application.

32. Additionally, this Honourable Court is aware that having concluded that the Applicant might be tempted to abscond, in the proper exercise of its discretion, I must also consider whether that risk could nonetheless be effectively eliminated by the imposition of appropriate conditions.

33. This Court finds that the only way to be certain that the Applicant would be present for his trial, that public safety be maintained is to have the Applicant detained at The Bahamas Department of Correctional Services.

34. The Applicant can be granted bail primarily because of his age and lack of antecedents. However, this will not occur so long as he resides in proximity or on the same island as the Virtual Complainant. The Court has to perform a balancing

Act. As presently constituted the Applicant will have to satisfy the Court or bail will be denied for the following reasons:

- a. **This Court finds that the Applicant will be tried within the three (3) year period which has been deemed reasonable by Parliament. The offences of Attempted Murder and Possession of a Firearm with Intent to Endanger Life, both allegedly occurred on Friday 8th December, 2023. The Applicant was then arraigned in Magistrate Court No. 9 before Acting Chief Magistrate Mr. Roberto Reckley (as he then was) on the 18th day of December, 2023. Further, the Applicant was also allowed to file his bail application on the 31st of January, 2024. Additionally, this Court also notes that there is nothing peculiar about the Applicant's detention which suggest the same is unjustified or unfair at this time. Therefore, this Court finds that the Applicant will be tried within the three (3) year period that has been deemed reasonable by Parliament;**
- b. **The Court finds that it is likely that the Applicant would interfere with the Virtual Complainant, if released on bail as the Virtual Complainant is well known to the Applicant. The Affidavit evidence provided by the Respondent states that the Applicant and the Virtual Complainant live within close proximity of each other. In addition to this, the Respondent also submitted that the Applicant and the Virtual Complainant are members of rival gangs- which are currently involved in an ongoing feud. Moreover, the Respondent also avers that this is not the first encounter between the Applicant and the Virtual Complainant, as there was an incident in 2022. Under the circumstances, this Court finds that it is probable that the Applicant will interfere with the prosecution witnesses- if he is released on bail;**
- c. **The Court finds that the Applicant could be a flight risk. If granted bail the Applicant may not return for his trial, due to the nature and seriousness of the offence for which the Applicant is charged;**
- d. **The Court takes judicial notice of the retaliatory killings in The Bahamas and is concerned for the safety of the Applicant. The Court would remand the Applicant for his own safety having regard to the current conditions which prevail in the country unless satisfied otherwise; and**

- e. **There could be conditions implemented to ensure the Applicants return for trial. If he is to be granted bail the Court would have to be satisfied of the Virtual Complainants safety- which the Court is not satisfied of at this time. The Court is also concerned for the safety of the public who may be caught in the “cross-fire” if the Applicant is released on bail.**

35. This Court promised to put its reasons in writing, this it now does.

**DATED this 22nd day of May A.D. 2024**

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**The Honourable Senior Justice Mrs. Cheryl Grant-Thompson**