

IN THE COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION
2021/CRI/bail/00108

BETWEEN

CAMERON MOREE

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: **The Hon. Justice Neil Brathwaite**

Appearances: **Mr. Ian Jupp for the Applicant**
 Mr. Ashton Williams for the Respondent

Hearing Date: **12th February A.D. 2025**

Ruling Date: **25th February A.D. 2025**

RULING ON BAIL

[1.] The Applicant is a twenty year old Bahamian male who was charged in 2021 with the offence of Murder. He was released on bail in April 2021, and was charged in August 2023 with Assault with a Deadly Weapon. He was again released on bail in January 2024. Following the failure of the Applicant to appear at a case management hearing in December 2024, bail was revoked on 18th December 2024 when he voluntarily appeared for a further hearing. The Applicant now seeks reinstatement of bail.

[2.] The cases of the Applicant and the Respondent are diametrically opposed. The Respondent contends that the Applicant committed a large number of breaches of the conditions of his bail by failing to comply with charging requirements, and failing to abide by the curfew requirements. Those allegations are based on a report from the operators of the Electronic Monitoring Device program, which indicates that on sixteen

occasions the Applicant's battery was critical, while on four occasions the Applicant was reportedly outside his inclusion zone. A further reading of the report indicates that the critical battery situation occurs when an alarm is generated as a result of the battery having only 1.5 to 2 hours of operating time remaining. There is no indication that the battery actually died. The inclusion zone violation indicates that the Applicant was required to be at his home at Landrail Close, Stapledon Gardens, but that he was instead at a nearby location, at a residence occupied, according to him, by a female friend.

- [3.] The Applicant submits that the infractions were minor, and urge the court to reinstate bail, while the Respondent insists that the Applicant has a history of non-compliance, and should be kept in custody pending his trial, which is scheduled to occur in March 2025. Counsel for the Applicant suggests that the trial is unlikely to proceed due to disclosure issues.
- [4.] In my view, the purpose of conditions attached to bail are to ensure attendance at trial, and to guard against risks to public safety or witnesses. In this case, there is no suggestion that the behavior of the Applicant demonstrates an increased risk of flight, or to public order or witnesses. The Applicant did fail to appear, on 4th December 2024, and a warrant was issued for his arrest, but the Applicant states in his affidavit that he appeared voluntarily on at least three other occasions following that absence, and indeed his appearance on 18th December 2024 when bail was cancelled was voluntary.
- [5.] In considering the application to reinstate bail, I bear in mind that the Applicant has been on bail for years, and while he is alleged to have committed infractions of bail, he has not been convicted of any offences. I also note the nature of the infractions in this case. While the batter was low, there is no evidence that the battery died, or that the authorities lost contact with the Applicant. I also note the four curfew zone violations, and accept that while the Applicant was not at his home, he was at a location which is a short distance away.
- [6.] A person in signing a bond before being released on bail agrees to abide by the conditions of that bond, and in signing on to the Electronic Monitoring Device program the Applicant again agrees to abide by the conditions of that program. The Applicant in this case has clearly failed to live up to his obligations in both respects. The question must be whether that failure should result in incarceration until his trial, particularly when it is not certain when that trial will occur. I also again bear in mind that the Applicant has been on bail for some time. I also bear in mind that complaints with respect to breaches of curfew were considered by the learned Madame Senior Justice Grant-Thompson in granting bail to the Applicant on the charges of Assault with a Deadly Weapon and Breach of Bail in December 2023, and the court was still moved to grant bail.

[7.] In the circumstances of this case, the Applicant has now been in custody for two months as a result of his failures in adhering to bail conditions. While I make no comment on whether that would be an appropriate punishment if the Applicant were convicted of offences with respect to those breaches, it is my view that it is certainly sufficient time to again impress upon the Applicant the importance of abiding by his obligations. Certainly any further breaches could not be expected to be met with any leniency. However, in all the circumstances, it is my view that bail should be reinstated.

[8.] Bail is therefore reinstated materially on the terms previously granted. Those are as follows:

- a. Bail is granted in the amount of \$10,000.00 with one or two suretors.
- b. The Applicant is to be fitted with an EMD, and to comply with the regulations governing the use of that device.
- c. The Applicant is to report to the Grove Police Station every Monday, Wednesday, and Friday before 6pm.
- d. The Applicant is to abide by a curfew at his home at #16 Landrail Close, New Providence, between the hours of 10pm to 6am daily.
- e. The Applicant is to surrender his travel documents, and is not to travel outside the island of New Providence without leave of the court.
- f. The Applicant is not to come within 100 feet of any of the complainants or witnesses in this matter, and is not to interfere with the witnesses either personally or by an agent.
- g. The Applicant is to surrender into custody on the Monday of his trial.

Dated this 25th day of February A.D., 2025



**Neil Brathwaite
Justice**

