

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT

CRIMINAL LAW DIVISION
2016/CRI/BAI/00263

BETWEEN

JAMAL FORBES

Applicant

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: The Hon. Madam Justice W. Renae McKay
Appearances: Mr. Ian Cargill
Ms. Cassie Bethel and Mr. Donard Brown for the Respondent
Hearing Date: 17th June 2021
Ruling Date: 7th January 2021

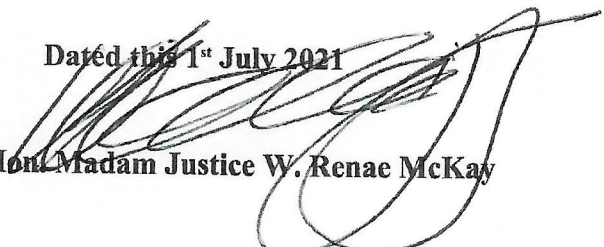
RULING

1. This is a ruling concerning an application by the Applicant, Jamal Forbes who seeks a variation of bail amount imposed upon him on the 7th January, 2021; \$30,000 with 2 suretors (the "Condition").
2. By his Affidavit in Support of Variation for Bail filed the 3rd June 2021, the Applicant, a 35 year old Bahamian citizen, averred that despite being granted bail, he remained incarcerated because his family was unable to assist with the Condition. As a result, he requested that the amount be reduced to \$10,000 with either two or three suretors.
3. The Applicant further averred that he would be disadvantaged in his ability to support himself and assist his family. Additionally, that he would be disadvantaged in his ability to adequately prepare his defence and pay his legal fees if he was further remanded.
4. The Respondent, did not object to the application and supported the reduction to \$10,000 with an increase in the amount of suretors.

Discussion

5. The Applicant applied for and was granted bail after being charged with the offences of Murder and Conspiracy to Commit Murder; which are both serious offences. When an accused applying for bail, is charged with such serious offences, it is common for stringent conditions to be imposed upon him. One such stringent condition is the setting of a high bail amount.
6. Bail should not however, be withheld as a punishment until the accused is convicted of the crime for which he is charged. Apart from the fact that the Applicant's family and friends were of modest means, there was no other evidence provided in support of his application to reduce the amount that would encourage the Court to consider such a reduction. Moreover, the conditions already imposed are considered to be the most stringent of them all.
7. Accordingly, I shall not accede to the Applicant's application to vary his bail conditions, specifically the reduction of the amount of \$30,000.00

Dated this 1st July 2021


Hon. Madam Justice W. Renae McKay