

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

**CRIMINAL DIVISION
2019/CRI/bai/0566**

BETWEEN

JAVANO HALL

Applicant

AND

THE ATTORNEY GENERAL

Respondent

BEFORE: The Hon. Madam Justice Renae Mckay

**APPEARANCES: Mr. Geoff Farquharson for the Applicant
Mrs. Jacqueline Forbes-Foster and Mr. Mark Penn for the
Respondent**

HEARING DATE: 10th September, 2020

RULING DATE: 1st October, 2020

RULING

Criminal Law – Bail – Variation of Bail – Applicant charged with Murder – Serious Offence – Whether the sum of \$30,000.00 should be varied to \$9,900.00 – Bail varied to \$9,900

1. On 6th February, 2020, the Applicant, Javano Hall (**the “Applicant”**) was granted bail in the amount of \$30,000.00 with two sureties subject to the following conditions:
 - 1.1 He was to be fitted with the Electronic Monitoring Device,
 - 1.2 He was to surrender his passport and any other travel documents,
 - 1.3 A curfew was imposed upon him between the hours of 9:00 p.m. to 7:00 a.m,
 - 1.4 He was not to have any contact with any of the Prosecution’s witnesses, and
 - 1.5 He was to report to the Wulff Road Police Station every Tuesday, Thursday and Saturday before 6:00 p.m.
2. The Applicant now seeks to vary the aforementioned conditions by way of his Summons and Affidavit in support, both filed 26th August, 2020. By the said Affidavit in support, the Applicant averred that he remained remanded as he was not able to secure a surety

who possessed a Conveyance for property valued over \$10,000.00, which was a requirement of the Supreme Court Criminal Registry.

3. He added that his family was of limited financial means and that they were not land holders. It was on that basis that he sought the reduction of the sum of \$30,000.00 to \$7,500.00.
4. The Respondent, the Attorney General (the “Respondent”) indicated to the Court that it objected to the variation of the said sum. In turn, Counsel for the Applicant submitted that there was no Affidavit filed in support of its objection. At the Applicant’s initial bail hearing, the Respondent, by its Affidavit filed 27th January, 2020 objected to the Applicant being granted bail as he had admitted to his involvement in the murder of Shaquille Rolle during a police interview and that such offence was of a serious nature.
5. Based on his admission, the Respondent had submitted that there was sufficient and cogent evidence to support the charge based on his admission, as there was a need to protect the safety of the public or public order and if granted bail, he was likely to interfere with witnesses. The Respondent also added that there was no unreasonable delay in the matter.
6. Aside from the Applicant’s admission of his involvement in the murder of Shaquille Rolle, the Respondent had failed to provide any evidence in support of its remaining objections; a practice which authorities frown upon as more than just a blanket assertion is required. The Respondent has again failed to provide any reasons for its objection to this present application.
7. The Applicant has been charged with murder, which is a serious offence. The relevant factors as set out in Section 4 of the Bail Act were considered and despite the cogency of the evidence against him and given his admission of his involvement in the murder he was granted bail. Where an applicant is charged with murder, it is not unusual for a high sum to be set to reflect the seriousness of the offence.
8. In the Applicant’s case however, I have considered that his family is of limited means and as a result, they would not be able to provide the necessary documentation to facilitate his bail. Accordingly, I accede to the application to vary bail to the lesser amount of \$9,900.00.

Dated this 1st October, 2020


The Hon. Madam Justice W. Renae McKay