



1 The oral judgment of the court was delivered by  
2 Isaacs, JA:

3 The Appellant appeals the decision of Mr. Justice  
4 Bernard Turner rendered on 7th September, 2020 wherein the  
5 judge refused the grant of bail to the Appellant who was  
6 charged with murder since 3rd July, 2020. The Appellant wants  
7 the judge's decision set aside on the following grounds:

- 8 1. The learned judge erred in principle by giving  
9 weight to something which he ought not to have  
10 taken into account;
- 11 2. The learned judge erred in principle by failing  
12 to give weight to something which he ought to  
13 take into account; and
- 14 3. That in all the circumstances, it was  
15 unreasonable to refuse bail.

16 The gravamen of the judge's decision may be found in  
17 paragraphs 22 to 27. I do not read them, but they are there  
18 in his decision.

19 Notwithstanding the considerable exception taken to  
20 various paragraphs of the judge's decision by counsel for the  
21 Appellant, ultimately he was forced to concede that given the  
22 evidence that had been placed before the judge at the material  
23 time, the decision of the judge to deny bail to the Appellant  
24 could not be challenged.

25 We note all of what counsel has said. We note also

1 the submissions of counsel for the respondent. Ultimately,  
2 the judge was presented with evidence, he was also presented  
3 with argument, but he can only act on the evidence.

4 In the circumstances, the court dismisses the appeal  
5 against the judge's decision. The Appellant continues to be  
6 remanded in custody to await his trial or unless he is earlier  
7 released.

8 That is the decision of the court.

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11 Dated this 8th day of October, 2020

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ISAACS, JA

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