

THE EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SPECIAL SITTING

SAINT CHRISTOPHER AND NEVIS
VIDEOCONFERENCE

Monday, 13th April 2026

APPLICATION

Case name:

Director of Public Prosecutions

v

Paul Bilzerian

[SKBHCVAP2026/0006]

Date:

Monday, 13th April 2026

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mde. P. Nicola Byer, Justice of Appeal
The Hon. Mde. Cadie St. Rose-Albertini, Justice of Appeal

Appearances:

Applicant:

Mr. Adlai Smith, Director of Public Prosecution

Respondent:

Mr. Douglas Mendes SC with Ms. Derriann Charles and Mr. Bervis Burke

Issue:

**Criminal Appeal - Application for stay pending appeal-
Whether there is cogent evidence that the appeal will be
stifled or rendered nugatory unless a stay is granted -
Whether there is prejudice to the successful party - The
prospect of the appeal succeeding**

Result/order:

IT IS HEREBY ORDERED THAT:

- 1. The parties have until 4pm on the 13th April 2026 to file any and all documents that they wish to rely on for the hearing of the application.**
- 2. This application is adjourned to Wednesday, 15th April 2026 at 9:00am for 2 hours and 15 minutes.**
- 3. The parties are to file a joint hearing bundle inclusive of the skeleton submissions and authorities filed in the matter by 12.00pm on Tuesday, 14th April 2026.**

Reason:

The Court noted that the procedural history of the matter was characterised by a series of recent and continuing filings, with further documents being lodged in close proximity to the hearing. This resulted in an evolving and, at times, unsettled record which materially affected the basis upon which the application was to be considered.

In particular, the Court noted that the order of 10th April 2026 which formed the basis of the application for stay of interim bail, had been corrected under the slip rule by order dated 12th April 2026 to read that the respondent had been granted bail. The Court had the benefit of the reasons delivered by the court below in respect of the grant of bail, which clarified that the original order of 4th April 2026 was an interim measure only. The Court further noted that, following the stay of that order and the Magistrate's failure to render a decision on bail on 9th April 2026, the issue of bail arose afresh and the Respondent was subsequently admitted to bail on 10th April 2026 upon a renewed consideration of the matter. The Court observed that the submissions advanced on behalf of the Director of Public Prosecutions proceeded on the footing that the order under challenge remained one of interim bail, without addressing the effect of those intervening developments. In light of that clarification, the

existing submissions did not adequately engage with the issues arising on the correct procedural and legal basis.

In those circumstances, the Court considered it necessary, in the interests of procedural fairness and the proper determination of the application, to impose a structured timetable to bring finality to the filing process and to ensure that the matter proceeds on a complete and settled record.

Accordingly, the Court directed that no further documents be filed after the stipulated deadline, that the parties prepare and file a consolidated joint hearing bundle together with their skeleton submissions and authorities, and that the application be adjourned to a fixed date to allow for the orderly hearing of the matter on the clarified legal basis.