

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

18th February 2025

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Esco Henry, Justice of Appeal

Case Name:

1. Benjamin Wilson Richardson
2. Benjamin Wilson Richardson
(as personal representative of the Estate of John
Richards Richardson)
3. Global Investments (Anguilla) Ltd.
4. Leonard Bennett
(Administrator for the Estate of Athelston
Richardson)
5. Cleopatra Webster

v

Leslie Richardson
(Administrator of the Estate of Alma Richardson)

[AXAHCVAP2020/0019]
(Anguilla)

Date: Tuesday, 18th February 2025

On paper:

Applicants: Kerith Kentish

Respondent: Ms. Cora Richardson

Issue: Application for appointment of representative

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application by the applicant Mr. Walcott Alvington Richardson to be appointed as the representative of the estate of Alma Richardson in these proceedings is granted.
2. The applicant shall be referred to as “Walcott Alvington Richardson (As representative of the Estate of Elma Richardson) appointed by order of court dated 18th February 2025”.

Reason:

The Court was satisfied that the applicant can fairly and competently conduct proceedings on behalf the estate of the deceased Alma Richardson in the proceedings and had no interest adverse to that of the deceased’s estate.

Case Name:

Aerial Solutions Inc.

v

1. Blue Harbour Helicopters
2. Shari Potts
3. Tanner Jones

**[ANUHCVAP2024/0039]
(Antigua and Barbuda)**

Date:

Tuesday, 18th February 2025

On paper:

Applicant: Mr. Peyton Knight

Respondents: In person

Issues:

Application for leave to appeal – Application for stay of proceedings

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide the Court with a copy of the order of Drysdale, J dated 12th December 2024 within 7 days of the date of this order i.e. on or before February 26th 2025.
2. The application for leave to appeal the decision of Drysdale J dated 12th December 2024 and a stay of proceedings pending the hearing of the appeal is adjourned to the next Chamber Sitting of the Court scheduled for 18th March 2025, or such earlier date as may be determined by the Court

Reason:

The Court was not furnished with a copy of the order being appealed.

Case Name:

Director of the ONDCP

v

Michael G. Archibald

[ANUHCVP2024/0011]

(Antigua and Barbuda)

Date:

Tuesday, 18th February 2025

On paper:

Applicant: Mr. Ian Bird

Respondent: Mr. Andrew O’Kala

Issue:

Application for adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for an adjournment of the hearing of the appeal filed on 14th February 2025 is granted.

2. The respondent is granted an extension of time to 6th March 2025 to file and serve his skeleton arguments and list of authorities.
3. The applicant must on or before 26th March 2025 file and serve any submissions in reply accompanied by a list of authorities.
4. The appeal is adjourned for a hearing to be conducted before the Full Court on a date to be fixed by the Chief Registrar.

Reason:

The Court determined that an adjournment be granted to afford the respondent an opportunity to file submissions and the appellant an opportunity to reply.

Case Name:

**Eastern Caribbean Collective Organization for
Music Rights (ECCO) Inc.**

v

**1. Neon Briggs
2. Attorney General of Dominica**

**[DOMHCVAP2025/0001]
(Dominica)**

Date:

Tuesday, 18th February 2025

Appearances:

Applicant: Mr. Dane Elliott-Hamilton

Respondent: No appearance

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal the order of Master Cenac-Dantes dated 20th December 2024 is granted.
2. The applicant shall file and serve its notice of appeal within 21 days of the date of this order i.e. on or before 12th March 2025.
3. The appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.

Reason: The Court was of the view that the appeal would have a real prospect of success and that the applicant met the threshold for the grant of leave to appeal.

Case Name: Jerry Seales
v
Superfund Holding Inc.
[GDAHCVAP2025/0003]
(Grenada)

Date: Tuesday, 18th February 2025

On paper:
Applicant: Mr. George Prime
Respondent: Mr. Benjamin Hood

Issues: Application for extension of time for leave to appeal-
Application for leave to appeal – Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall within 7 days of the date of this order (i.e. on or before February 26th 2025) provide the Court with a sealed copy of the order of Actie J dated 16th December 2024.
2. The application for extension of time for leave to appeal, leave to appeal and a stay of execution of the decision of Actie J dated 16th December 2024 is adjourned to the next Chamber Hearing of the Court scheduled for 18th March 2025.

Reason: The Court was not furnished with a copy of the order being appealed.

Case Name: **Hanna Braveboy Douglas**
v
Ann Dumont nee Regis
[GDAMCVAP2022/0001]
(Grenada)

Date: **Tuesday, 18th February 2025**

On paper:

Appellant: **Mr. Anselm Clouden**

Respondent: **Ms. Deborah Mitchell**

Issue: **Application for costs**

Result / Order: **IT IS HEREBY ORDERED THAT:**

1. The respondent/applicant is to file and serve its bill of costs on or before 3rd March 2025.
2. The respondent/applicant is to file and serve submissions on costs on or before 10th March 2025.
3. The appellant/respondent is to file and serve submissions on costs on or before 17th March 2025.
4. The application for assessment of costs is adjourned for hearing at a date to be fixed by the Chief Registrar.

Reason: The Court considered rule 65.12 (4) of the CPR which provides that an application for costs must be accompanied by a bill or other document showing the sum in which the court is being asked to assess the costs and how such sum was calculated.

Case Name: **Attorney General**
v
Derreck Daniel

**[SLUHCVAP2024/0027]
(Saint Lucia)**

Date: Tuesday, 18th February 2025

Appearances:

Applicant: Mr. Seryozha Cenac

Respondent: In person

Issues: Application for stay of execution

**Result /
Order:** IT IS HEREBY ORDERED THAT:

1. The appellant/applicant shall serve the notice of appeal on the respondent within 7 days of the date of this order, i.e. on or before February 26th 2025.
2. The appellant/applicant shall within 14 days of the date of this order (i.e. on or before 5th March 2025) provide proof of service of the notice of appeal, the notice of application for stay and other supporting documents on the respondent.
3. The appellant/applicant shall file and service submissions in support of the application for stay of execution within 14 days of the date of this order i.e. on or before March 5th 2025.
4. The application for stay of execution of the order of Pariagsingh J delivered on 25th November 2024 is adjourned to the next chamber hearing scheduled for 18th March 2025.

Reason: The Court noted that hat the appellant/applicant had not filed any submissions in support of the application for stay of execution and that there adequate service of the application was not effect on the respondent.

Case Name:

**1. The Development Control Authority
2. Attorney General
v
Mondesir Estates Limited**

**[SLUHCVAP2023/0020]
(Saint Lucia)**

Date: **Tuesday, 18th February 2025**

Appearances:

Applicants: **Mr. Seryozha Cenac**

Respondent: **Mr. Peter Foster**

Issues: **Application to expedite appeal – Application for directions**

**Result /
Order:** **IT IS HEREBY ORDERED:**

- 1. The appeal in claim number SLUHCVAP2023/0020 shall be heard and determined by the Court of Appeal on an expedited basis on a date to be fixed by the Chief Registrar**
- 2. The respondent shall file and serve written submissions with authorities in the substantive appeal within 14 days of the date of this order i.e. on or before March 5th 2025. Non-compliance with this timeline will attract wasted costs.**
- 3. The appellant is at liberty to file and serve reply submissions with authorities if necessary, within 14 days of the date of service of the respondent's submissions.**

Reason: **The Court considered the applicant's claim that a delay of the hearing of the substantive appeal created the risk that the appeal may become academic if not heard expeditiously and was satisfied that it was just to order that the appeal be heard on an expedited basis.**

Case Name:

1. Electrical Associates Limited
2. Marcellinus Stephen trading as Ms Stephen
Tiling
v
Sunrod Property Inc.

[SLUHCMAP2024/0001]
(Saint Lucia)

Date: Tuesday, 18th February 2025

Appearances:

Applicants: Ms. Wauneen Louis-Harris

Respondent: Ms. Vanessa Pinnock

Issues: Application for extension of time to file amended expert report

Result / Order: IT IS HEREBY ORDERED:

1. The application for an extension of time within which to file the amended expert report and relief from sanctions filed on 3rd January 2025 is refused.
2. For the avoidance of doubt, in accordance with paragraph 3 of the Court of Appeal's order dated 10th December 2024, the expert report stands struck out.

Reason: The Court determined that paragraph 3 of the Order of the Court of Appeal dated 10th December 2024 was clear in that if the applicant failed to file the amended expert report within 21 days of the date of the order the expert report would stand struck out without further order of this Court, and the applicant having failed to file the expert report within the required timeframe it followed that the expert report was struck out.

Case Name:

West Indies Petroleum (St Lucia) Ltd.
v
1. Courtney Wilkinson

2. John Levy

**[SLUHCMAP2024/0004]
(Saint Lucia)**

Date: Tuesday, 18th February 2025

Appearances:

Applicant: Ms. Cleopatra McDonald

Respondents: No appearance

Issues: Application for leave to appeal

**Result /
Order:** IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal filed on 18th December 2024 against the part of Order No. 1 of the Order of Albertini J delivered on 27th November 2024 whereby the learned judge ordered that the order dated 4th October 2024 which stayed the consent order of 8th March 2022 shall remain in effect against the fourth defendant until further order of the court, is granted;
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order, i.e. on or before 26th March 2025.
3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules 2023.

Reason: The Court determined that the applicant met the threshold test for the grant of leave to appeal.

Case Name:

Atiba Hamilton

v

The King

**[SVGHCRA2024/0024]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues: Application for bail

**Result /
Order:** IT IS HEREBY ORDERED THAT:

The application for bail pending the hearing and determination of the appeal filed on 16th January 2025 is refused.

Reason: The Court was of the view that the applicant had not provided any evidence that revealed any exceptional circumstances that justify granting bail to him pending the hearing and determination of the appeal.

Case Name: Ishama Nanton
v
The King

[SVGHCRA2024/0025]
(Saint Vincent and Grenadines)

Date: Tuesday, 18th February 2025

Appearances:

Appellant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues: Application for leave to appeal – Application for bail

**Result /
Order:** IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against conviction and sentence is granted.
2. The notice of application filed on 22nd November 2024 is deemed to be the notice of appeal.

3. The application for bail pending the hearing and determination of the appeal filed on 16th January 2025 is refused.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions within 7 days of the date of this order, i.e. on or before 26th February 2025 and provide proof of service thereof
5. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.

Reason:

The Court was of the view that the applicant met the threshold for the grant of leave to appeal but had not provided any evidence that revealed any exceptional circumstances that justify granting bail to him pending the hearing and determination of the appeal.

Case Name:

Bruce Browne

v

The King

[SVGHCRA2024/0026]

(Saint Vincent and Grenadines)

Date:

Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues:

Application for leave to appeal – Application for bail pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The leave for appeal application filed on 22nd November 2024 is granted.
2. The Criminal Form 1 - Notice of application filed on 22nd November 2024 is deemed to be the notice of appeal.
3. The application for bail is refused.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order i.e. on or before 26th February 2025.
5. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.

Reason:

The Court considered that the reason provided by the applicant seeking bail did not amount to an exceptional circumstance which would justify the applicant being released on bail pending appeal and that the applicant met the threshold for the grant of leave to appeal his conviction and sentence.

Case Name:

Kristin Scott

v

The King

[SVGHCRA2024/0021]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues:

Application for bail

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for bail filed on 16th January 2025 is refused.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order i.e. on or about 26th February 2025.

Reason:

The Court considered that the applicant failed to demonstrate any exceptional circumstances that would satisfy the test for granting bail pending the hearing of the appeal.

Case Name:

**Adonis Francis
v
The Commissioner of Police**

**[SVGMCRAP2025/0002]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues:

Application for extension of time for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time within which to appeal filed on 15th January 2025 is granted.
2. The Notice of Appeal filed on 15th January 2025 is deemed properly filed.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.
4. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules

as well as the relevant Practice Directions in advancing this appeal.

Reason: The Court determined that the applicant should be granted an extension of time within which to appeal.

Case Name: Mikhail Thomas
v
The King

[SVGHCRAP2024/0003]
(Saint Vincent and the Grenadines)

Date: Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues: Application for extension of time to appeal – Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 16th January 2025 for an extension of time within which to appeal is refused.
2. The application filed on 16th January 2025 for leave to appeal against conviction and sentence is refused.
3. The Registrar of the High Court shall serve a copy of this order on the appellant and the Office of the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order, i.e. on or before March 5th 2025.

Reason: The Court noted that the applicant filed on 24th May 2024 an application for leave to appeal against conviction and sentence and application for extension of time to appeal which applications were refused and considered a wanton abuse of the process of the court.

Case Name:

Okqueto Jones

v

The King

[SVGHCRA2024/0006]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues:

Application for extension of time to appeal – Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed by the applicant on January 21st 2025 seeking an extension of time within which to appeal is refused.**
- 2. The application filed by the applicant on January 21st 2025 for leave to appeal against his conviction and sentence is refused.**
- 3. The Registrar of the High Court shall serve a copy of this order on the appellant and the Office of the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order i.e. on or before March 5th 2025.**

Reason:

The Court was of the view that the applications filed on 21st January 2025 constituted an abuse of the court's process and should be refused.

Case Name:

Kenroy Bibby

v

The King

[SVGHCRA2023/0028]

(Saint Vincent and the Grenadines)

Date: Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issues: Application for bail pending appeal

**Result /
Order:** IT IS HEREBY ORDERED THAT:

1. The application for bail pending appeal is refused.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and the Office of the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order, i.e. on or before March 5th 2025.

Reason: The Court was of the view that the appellant did not provided any evidence which, on the authority of *The State v Lynette Scantlebury* (1976) 27 WIR 103, revealed any exceptional circumstances which justified granting bail pending the hearing of the appeal.

Case Name: Romrado Wright
v
The King

**[SVGHCRA2025/0001]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 18th February 2025

Appearances:

Applicant: In person

Respondent: The Office of the Director Public Prosecutions

Issues: Application for extension of time to appeal - Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 17th January 2025 for an extension of time within which to appeal is refused.
2. The application for leave to appeal against conviction and sentence filed on 17th January 2025 is refused.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of
4. the date of this order i.e. on or before 26th February 2025.

Reason: The Court was of the view that the applicant's application was extremely late and that the applicant advanced no good reason for his tardy application for leave to appeal and for extension of time to appeal and that the applications should therefore be refused.

Case Name: Lau Man San, James et al
v
King Bun Limited et al
[BVIHCMAP2023/0031]
(Territory of the Virgin Islands)

Date: Tuesday, 18th February 2025

Appearances:
Applicants: Ms. Yegane Guley
Respondents: Mr. Jerry Samuels

Issues: Application for leave to appeal – Application for stay of proceedings

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for a stay of the appeal pending the hearing and determination of the Set Aside Appeal is refused.
2. Costs of the application shall be costs in the appeal.

Reason:

The Court determined that it was not satisfied that the appeal would be stifled or rendered nugatory unless a stay is granted and that the applicants did not meet the threshold for grant of a stay of the appeal.