

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
Tuesday 18th November 2025

MATTERS DEALT WITH ON PAPER

Case Name:

James Browne

v

The Commissioner of Police

**[MNIMCRAP2025/0002]
(Montserrat)**

Date:

Tuesday 18th November 2025

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. Jean Kelsick

Respondent:

No appearance

Issues:

Application to withdraw the notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to withdraw the notice of appeal filed on 23rd September 2025 is adjourned for consideration at the next Chamber Hearing of the Court scheduled for 16th December 2025.**

2. The Registrar of the High Court shall serve a copy of this order on the appellant and the Commissioner of Police within 7 days of the date of this order and provide proof of service thereof.

Reason:

The Court noted the order of this Court dated 21st October 2025 where the legal practitioner for the applicant was ordered to serve copies of the notice of withdrawal on the respondent had not been complied with and adjourned the matter to next chamber hearing of the Court of Appeal.

Case Name:

Credit Info Limited

v

Fair Isaac Corporation

**[SKBHCVAP2025/0010]
(Saint Christopher and Nevis)**

Date:

Tuesday 18th November 2025

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Ms. Midge Morton

Respondent:

No appearance

Issues:

Application for stay of execution pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed on 23rd September 2025 for a stay of execution of the order of Saunders M dated 30th September 2025 is

granted pending determination of the interlocutory appeal.

Reason:

The Court considered the principles upon which a stay pending the determination of the appeal is granted as established by this Court in the case of C-Mobile Services Ltd v Huawei that the court must consider all the circumstances of the case; that a stay is the exception rather than the general rule; that the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted; the likely prejudice to the successful party; and the prospect of the appeal succeeding where strong grounds of appeal or a strong likelihood the appeal will succeed is shown.

The Court was of the view that the applicant had strong grounds of appeal and that in the premises the appeal may be rendered nugatory if a stay was not granted. The Court therefore granted the application for a stay.

Case Name:

Vivian Henry

v

The Attorney General of Saint Lucia

**[SLUMCVAP2025/0001]
(Saint Lucia)**

Date:

Tuesday 18th November 2025

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. Eghan L.K Modeste

Respondent:

No appearance

Issues: Application for leave to appeal – Application for an adjournment

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application for an adjournment is refused.
2. The application for leave the Order of Louis M, dated 8th September 2025 is granted.
3. The applicant shall file and serve her Notice of Appeal within 21 days of the date of this order, i.e. on or before 10th December 2025.
4. Thereafter the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.

Reason: The Court noted that the application sought by the applicant for an adjournment was for the purposes of providing the Court with the authority of Alban Poleon also known as Alban Puleon v Adela Samantha Frederick SLUMCV2019/0423. The Court determined that the application for leave to appeal could be granted in the absence of that authority and upon considering rule 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023, the Court granted the applicant leave to appeal.

Case Name: Bertram Simmons

v

The Commissioner of Police

**[SVGMCRAP2022/0002]
(Saint Vincent and the Grenadines)**

And
Dwayne Richards
v
The Commissioner of Police
[SVGMCRAP2022/0003]
(Saint Vincent and the Grenadines)

Date:	Tuesday 18th November 2025
Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicant:	Mrs. Maria Jackson-Richards
Respondents:	No appearance
Issues:	Application to consolidate appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application filed on 5th September 2025 for the consolidation of magisterial criminal appeals SVGMCRAP2022/0002 and SVGMCRAP2022/0003 is adjourned to the next Chamber Hearing of the Court scheduled for 16th December 2025.
Reason:	The Court noted that the applicant had failed to produce an affidavit of service of the application on the appellants and therefore adjourned the hearing of the application to the next chamber hearing to facilitate service on the respondents.

