

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
Tuesday 21st October 2025

MATTERS DEALT WITH ON PAPER

Case Name:

Dale Emanuel

v

The King

**[ANUHCRAP2025/0009]
(Antigua and Barbuda)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

Mr. Wendel Alexander

Respondent:

No appearance

Issues:

**Application for leave to appeal against
conviction and sentence**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal
conviction and sentence is granted.**
- 2. The notice of application filed on 28th May
2025 is deemed to be the notice of appeal.**

3. 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 and provide proof of service thereof.

Reason:

The Court considered the applicant's application for leave to appeal inclusive of his grounds of appeal and determined that he had met the threshold for a grant of leave to appeal. The Court also considered rules 42 and 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules, the latter of which empowers the Court, when it is minded to grant leave to appeal, to deem the application for leave to appeal as the leave to appeal and gave the appropriate orders to proceed with the appeal.

Case Name:

Javonson Willock

v

1. Chief of Defence Staff Antigua and Barbuda Defence Force
2. Attorney General

**[ANUHCVP2024/0018]
(Antigua and Barbuda)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

In person

Respondents:

Ms. Joy Dublin, Ms. Rose-Ann Kim and Ms. Chandra Codrington

Issues:

Application seeking leave to adduce fresh evidence by way of affidavit – Application that the affidavit in support be admitted and accepted as fresh evidence – Application seeking an order that the amended notice of appeal filed on 17th September 2025 be deemed duly filed and served

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The amended notice of appeal filed on 17th September is deemed properly filed.**
- 2. The parties shall use their best endeavours to collaborate on producing a complete reconstruction of the events that transpired during the hearing on 20th September 2023 for use as the agreed record, to assist the Court in determining the application to adduce fresh evidence.**
- 3. The Application to adduce fresh evidence is deferred for consideration by the Full Court at the same time as the substantive appeal.**

Reason:

The Court was cognizant of rules 62.5(7) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which entitles the appellant to amend the grounds of appeal once without permission at any time within 28 days from receiving notice under rule 62.12(1)(a), (b) or (c) that the transcript of evidence and judgment has been prepared and rules 62.24 and 26.9 which empowers the Court to regularize the filing of the amended notice of appeal. Thus, the Court was satisfied that it was just to order that the amended notice of appeal be deemed duly filed and served.

The Court further noted the applicant's indication that the official transcript for the hearing of 20th September 2023 cannot be

produced due to an alleged malfunction of the court's audio-recording system and that the judge's notes could not be supplied. The applicant sought to adduce evidence of the legal practitioner on record for him during the hearing of 20th September 2023 by way of affidavit, but such a course would omit the involvement of the respondents. The Court therefore determined that the respondents ought to have an opportunity to assist in the reconstruction of the record and that the application should be heard at the same time of the substantive appeal.

Case Name:

Zavique Romeo

v

The King

**[ANUHCRA2025/0010]
(Antigua and Barbuda)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

Application for leave to appeal against conviction and sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal filed on 30th September 2025 is dismissed.**

2. 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 and provide proof of service thereof.

Reason:

The Court noted that the applicant filed his application for leave to appeal out of time without filing an application for extension of time and as a result this procedural irregularity was fatal to his application. The application was therefore dismissed.

Case Name:

Dexter Ducreay

v

Gifford Charles

**[DOMHCVAP2021/0001]
(Commonwealth of Dominica)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant

Ms. Francine Baron

Respondents:

Mr. David Bruney

Issues:

Application seeking leave to amend notice of appeal – Application for an extension of time for filing and serving the amended notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed on 26th August for leave to amend the notice of appeal is granted.
2. The applicant shall file the amended notice of appeal within 14 days of the date of this order (i.e. on or before November 5th 2025).
3. The appeal shall thereafter proceed in accordance with the Eastern Caribbean Civil Procedure Rule (Revised Edition) 2023.
4. No order is made as to costs.

Reason:

The Court remained cognizant of the overbidding objective of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 to enable the Court to deal with cases justly and noted the applicant's change in legal representation that gave rise to the proposed amendment to the notice of appeal. The Court was satisfied that it was just to grant permission to amend the notice of appeal.

The Court also noted the principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004* (delivered 6th July 2020, unreported) including (i) the nature of the failure and the consequential effects, (ii) the length of the delay and whether any good explanation has been put forward for excusing it, (iii) weighing the prejudice to the parties in the context of the failure and the delay, and (iv) whether the appeal has a realistic prospect of success.

The Court noted that although the delay in amending the notice of appeal appeared to be inordinate, the amendment will not prejudice the respondent as no date had been set for the hearing of the appeal and the proposed amendments raise purely points of law that do not require consideration of factual disputes. The Court therefore granted the applicant leave to file and serve the amended notice of appeal.

Case Name:

Asher James

v

The State

**[DOMHCVAP2016/0005]
(Commonwealth of Dominica)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

Mr. Geoffrey L. Letang

Respondent:

No appearance

Issues:

Application for legal aid

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall be assigned counsel from the roster of legal aid practitioners kept by the Registrar of the High Court and selected by the Registrar of the High Court to represent the appellant in the

preparation and conduct of the appeal proceedings. The Registrar of the High Court shall make the selection within 7 days of today's date (i.e. on or before October 29th 2025) in consultation with the legal practitioner and with his/her concurrence and shall within 14 days of today's date (i.e. on or before November 5th 2025) communicate to the applicant the name and contact details of the selected legal practitioner.

2. The transcript fees in respect of High Court Criminal Appeal No. 9 of 2015 are waived.
3. The Registrar of the High Court shall provide a copy of the transcript in High Court Criminal Appeal No. 9 of 2015 to counsel selected to represent the applicant as soon as reasonably practicable after the transcript becomes available.
4. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order.

Reason:

The Court considered section 49 of the Eastern Caribbean Supreme Court (Dominica) Act Chap 4.02 which states that the Court of Appeal may at any time assign to the appellant a solicitor and counsel, or counsel only, in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears desirable in the interests of justice that the appellant should have legal aid, and that he has not sufficient means to enable him to obtain that aid. The Court emphasized that section 49

specifically states the Court is empowered to provide counsel to an applicant seeking legal aid and not financial assistance.

The Court further considered rule 48(10) of the Eastern Caribbean Supreme Court, Court of Appeal Rules which states that a transcript of the shorthand notes taken of the proceedings at the trial (or a copy of the Judge's notes of the trial) of an appellant shall not be supplied free of charge except by an order of the Court or a Judge thereof, upon an application made by an appellant or by his counsel or solicitor assigned to him under the Act.

The Court determined that the applicant had demonstrated that he was unable to pay the required fees for the transcript of proceedings or obtain counsel for his representation in the appeal and granted an order that the applicant be provided with legal aid and that his transcript fees be waived.

Case Name:

Joan Gordon

v

Joseph Steaver Gordon

**[DOMHCVAP2024/0013]
(Commonwealth of Dominica)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant: Ms. Enalie Mathew, Executrix in the Will of the deceased respondent

Respondent: No appearance

Issues: Application to be substituted as the respondent

Result / Order: IT IS HEREBY ORDERED THAT:

1. Enalie Mathew is substituted as the respondent to the appeal in DOMHCVAP2024/0013,
2. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order.

Reason: The Court noted rule 19.2(5) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which states that the Court may order a new party to be substituted for an existing one if the (a) court can resolve the matters in dispute more effectively by substituting the new party for the existing party; or (b) existing party's interest and liability has passed to the new party.

The Court was satisfied that the liabilities and interest of the respondent had been passed to Ms. Enalie Mathew and that the Court would be in a better position to resolve the matters in dispute if she is substituted for the respondent to the appeal and that it is just to make such an order.

Case Name: James Browne

v

The Commissioner of Police

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

Date: Tuesday 21st October 2025

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

On paper:

Applicant:	Mr. Jean Kelsick
Respondent:	No appearance

Issues: Withdrawal of appeal

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 23rd September 2025 to withdraw the notice of appeal filed on 21st March 2025 is adjourned to the next chamber hearing of the Court scheduled for 18th November 2025.
2. The legal practitioner for the appellant shall serve copies of the notice of withdrawal on the respondent forthwith and provide evidence of service within 2 days of service.

Reason: The Court noted the certificate of result of Status Hearing dated 24th September 2025 wherein the counsel for the appellant was directed to take the necessary steps to serve the authorization code for the E-Litigation Portal and the notice of application filed on 23rd September 2025 on counsel for the respondent, on or before 26th September 2025. The Court further noted that no

affidavit had been filed attesting to the service on the respondent.

The Court therefore adjourned the application to the next Chamber Hearing to facilitate service of the application on the respondent.

Case Name:

Khadije Irish

v

The King

**[MNIHCRAP2022/0005]
(Montserrat)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

In person

Respondent:

Mrs. Kristen Taylor Hilton

Issues:

Application to assign legal counsel

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall be assigned counsel from the roster of legal aid practitioners kept by the Registrar of the High Court and selected by the Registrar of the High Court to represent the appellant in the preparation and conduct of the appeal proceedings. The Registrar of the High Court shall make the selection within 7 days of today's date (i.e. on or before October 29th 2025) in consultation with the legal practitioner and with his/her

concurrence and shall within 14 days of today's date (i.e. on or before November 5th 2025) communicate to the applicant the name and contact details of the selected legal practitioner.

2. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order.

Reason:

The Court considered section 50 of the Supreme Court Act Cap. 2:01 which states that the Court of Appeal may at any time assign to the appellant a solicitor and counsel, or counsel only, in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears desirable in the interests of justice that the appellant should have legal aid, and that he does not have sufficient means to enable him to obtain that aid. The Court was satisfied that the applicant had demonstrated that he was unable to obtain counsel for his representation in the appeal and granted the applicant's application for legal aid.

Case Name:

1. The Attorney General of Grenada
2. The Minister of Finance

v

1. Patricia Wilkinson
2. Trevor Scott

**[GDAHCVAP2025/0013]
(Grenada)**

Date:

Tuesday 21st October 2025

Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicants:	Ms. Rae Thomas
Respondents:	Mr. Dylan J. Charles
Issues:	Application for a stay of execution pending the hearing and determination of the appeal – Application to deem notice of opposition properly filed
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application by the respondents filed on 26th September 2025 is granted and the notice of opposition filed on 26th September 2025 is deemed properly filed. 2. The application filed on 8th September 2025 for a stay of the order of Glasgow J made on 28th July 2025 is refused.
Reason:	The Court considered the principles on which an extension of time should be granted as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) which include the length of the delay, the reasons for the delay, where a notice of appeal is being considered – the chances of the appeal succeeding if the extension is granted and the degree of prejudice if the application is granted as well as the power of a single judge to extend time pursuant to rule 62.19(1)(c) of the Civil Procedure Rules (Revised Edition) 2023. The Court was of the view that the delay was not inordinate as the notice of opposition was filed 1 day out of time and that the prejudice to the respondent to the application would not be greater. The Court further 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 not demonstrated by cogent evidence that the appeal would be rendered nugatory unless a stay is granted, that if a stay is granted the respondents would suffer greater prejudice and that the appellants have no advanced strong grounds of appeal with a realistic prospect of success. The application for a stay was therefore refused.

Case Name:

Brian Pitt

v

- 1. Selwyn Pitt**
- 2. Richard Pitt**

**[GDAHCVAP2021/0041]
(Grenada)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

Mrs. Sabrita Khan-Ramdhani

Respondent:

No appearance

Issues: Application to be removed from counsel on record

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application by Mrs. Sabrita Khan-Ramdhani of Ramdhani & Associates to be removed from the record as the Attorney-at-law acting for the appellant Brian Pitt in this appeal is granted.
2. The applicant shall within 14 days of this order (i.e. on or before November 5th 2025) serve a copy of this order on the appellant the legal practitioners for the respondents and provide proof of service thereafter pursuant to rules 63.6(4) and (5) of the Civil Procedure Rules (Revised Edition), 2023.

Reason: The Court was satisfied that there is a breakdown of the lawyer/client relationship between the applicant and the appellant and that the application should be granted.

Case Name: John Yearwood

v

Newfound Pinneys Limited

**[NEVHCVAP2024/0006]
(Saint Christopher and Nevis)**

Date: Tuesday 21st October 2025

Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicant:	Mr. Alberton Richelieu
Respondent:	No appearance
Issues:	Application to amend notice of appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application filed on 29th August 2025 to amend the notice of appeal filed on 16th May 2024 is granted. 2. The notice of appeal shall be amended in the terms of the draft amended notice of appeal exhibited as Exhibit A. 3. The appellant shall file and serve the amended notice of appeal within 7 days of the date of this order (i.e. on or before October 31st 2025).
Reason:	The Court noted that the proposed amendments to the notice of appeal were not significant changes and do not affect the grounds of appeal as originally stated in the notice of appeal filed on 16th May 2024. Thus, the Court was of the view that the respondent would not be prejudiced in any way if the applicant/appellant was granted leave to amend the notice of appeal. The application was therefore granted.
Case Name:	1. DDM Properties Limited 2. Rodney Flemming

v

- 1. Eustace Hobson**
- 2. The Development Control and Planning Board**
- 3. The Minister with responsibility for Sustainable Development**
- 4. The Attorney General of St. Kitts and Nevis**

**[SKBHCVAP2025/0008]
(Saint Christopher and Nevis)**

Date:	Tuesday 21st October 2025
Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicants:	Ms. Midge Morton
Respondents:	In person
Issues:	Application for a stay of execution
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application filed on 25th July 2025 for a stay of execution of paragraphs 8 and 9 of the order of Gill J dated 13th June 2025 is granted.
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 also considered the authority of *Heritage Plantation Condominiums Ltd et al v Doche & Doche Inc SKBHCVAP2024* (re-issued on 20th August 2025) which provides that in exercising the discretion to grant a stay of execution, ultimately, the Court aims to make an order which best accords with the interest of justice.

The Court was of the view that while the 1st respondent who had been successful in his claim is entitled to the fruits of his victory, all the circumstances of the case require that a stay of execution be granted considering in particular, that there is a great prejudice to the 2nd named appellant if a stay is not granted and the respondent proceeds to execution of the judgment; and further that the appellants have a realistic prospect of success on appeal.

The Court therefore granted the application for a stay of execution.

Case Name:

Dexter S. Somersall

v

Candace Andrew

**[NEVHCVAP2025/0022]
(Saint Christopher and Nevis)**

Date:

Tuesday 21st October 2025

Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicants:	Ms. Aymah C. George
Respondent:	No appearance
Issues:	Application for leave to appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The applicant does not require leave to appeal the order of Thompson Jr. J dated 27th August 2025, which concerns the orders made as to the arrangements for the minor child's care and custody. 2. No order as to costs.
Reason:	The Court noted that the decision which the applicant sought to challenge on appeal concerned primarily the arrangements for the care and custody of a minor child. The Court further noted section 33(3)(g)(i) of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act Chap 3.11 which states that 'no appeal shall lie ... without leave of the Judge or of the Court of Appeal from any interlocutory order given or made by a Judge except – where the liberty of the subject or the custody of infants is concerned' and being satisfied and no leave to appeal is required. The Court therefore determined that no leave was required in the circumstances of this appeal.
Case Name:	Yingmao Wei

v

Sibew PTY Ltd.

**[NEVHCVAP2025/0024]
(Saint Christopher and Nevis)**

Date:	Tuesday 21st October 2025
Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicant:	Mr. Terence V. Byron
Respondent:	No appearance
Issues:	Application for leave to appeal – Application for an extension of time to apply for leave to appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application for extension of time to apply for leave to appeal filed on 29th September 2025 is granted. 2. Time is hereby extended for the applicant to file the application for leave to appeal the interim orders of His Lordship the Honourable Mr. Justice Patrick Thompson dated 29th August 2025 and the applicant's application for leave to appeal filed on 24th September 2025 is deemed to be properly and timeously filed and in compliance with CPR Rule 62.2(1). 3. The applicant's application for leave to appeal the interim orders of His Lordship the Honourable Mr. Justice Patrick

Thompson Jr. dated 29th August 2025 is granted.

- 4. The applicant shall file and serve his notice of appeal within twenty-one (21) days of the date of this order (i.e. on or before 12th November 2025).**
- 5. Thereafter the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

The Court considered rules 26.1(2)(k) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which provides that, except where these rules provide otherwise, the Court may extend or shorten the time for compliance with any rule, practice direction, order, or direction of the Court, even if the application for extension is made after the time for compliance has expired. The Court also considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard.

The Court was of the view that an extension of time was warranted in the circumstances, that such an extension was neither unreasonable nor an abuse of process, and it accords with the Court's overriding objective. 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. The applications were therefore granted.

Case Name:

Howard Anthony Lewis

v

Sibew Pty Ltd.

**[NEVHCVAP2025/0023]
(Saint Christopher and Nevis)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

Mr. Terence V. Byron

Respondent:

No appearance

Issues:

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

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time to apply for leave to appeal filed on 26th September 2025 is granted.**
- 2. Time is hereby extended for the applicant to file the application for leave to appeal the interim orders of His Lordship, the Honourable Mr. Justice Patrick Thompson dated 29th August 2025 and the applicant's application for leave to appeal filed on 24th September 2025 is deemed to be properly and timeously filed and in compliance with CPR Rule 62.2(1)**
- 3. The applicant's application for leave to appeal against the interim orders of His**

Lordship, the Honourable Mr. Justice Patrick Thompson Jr. dated 29th August 2025, is granted.

- 4. The applicant shall file and serve his notice of appeal within twenty-one (21) days of the date of this order (i.e. on or before 12th November 2025).**
- 5. Thereafter the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

The Court considered rules 26.1(2)(k) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which provides that, except where these rules provide otherwise, the Court may extend or shorten the time for compliance with any rule, practice direction, order, or direction of the Court, even if the application for extension is made after the time for compliance has expired. The Court also considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard.

The Court was of the view that an extension of time was warranted in the circumstances, that such an extension was neither unreasonable nor an abuse of process, and it accords with the Court's overriding objective. 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. The applications were therefore granted.

Case Name:

Credit Info Limited

v

Fair Isaac Corporation

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

Date: Tuesday 21st October 2025

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

On paper:

Applicant:	Ms. Midge Morton
Respondent:	No appearance

Issues: Application for leave to appeal – Application for a stay of execution – Application for leave to serve out of jurisdiction

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

1. The application for leave to appeal the decision of Saunders M dated 30th September 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 13th November 2025).
3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules 2023.
4. Leave is granted to the applicant to serve the respondent with the application for a stay of execution (and must be accompanied by a copy of this order) at the proposed address: C/O

**CORPORATION SERVICE COMPANY, 251
LITTLE FALLS DRIVE WILMINGTON, DE
19808, USA or 5 West Mendenhall, Suites
105, Bozeman, MT 59715, United States.**

- 5. The respondent shall have liberty to file submissions in response to the application for a stay within 14 days of service of the application.**
- 6. The application for a stay is adjourned for determination at the next Chamber Hearing scheduled for 18th November 2025.**
- 7. A temporary stay of execution of the order of Saunders M dated 30th September 2025 is granted pending the inter partes hearing of the application for a stay at the next Chamber Hearing of the Court of Appeal.**
- 8. Costs of this application shall be costs in the appeal.**

Reason:

The Court considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard as well as the principles for the grant of leave to appeal as stated in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and was satisfied that the applicant had a real prospect of success. The Court therefore granted leave to appeal.

The Court further 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 noted that there was no proof of service of the application for a stay of execution but the applicant's application for permission to serve out of jurisdiction suggested that the applicant had been unsuccessful in effecting service on the respondent, providing an explanation for the lack of proof of service.

The Court therefore, under rule 7.4 of the CPR, granted permission to serve the stay application out of jurisdiction on the respondent and adjourned the hearing of the stay application to the next Chamber Hearing of the Court.

Case Name:

Bank of Saint Lucia Limited

v

Brenda Mesmin

**[SLUHCVP2025/0017]
(Saint Lucia)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicants:

Ms. Megan Duboulay Lee

Respondent:

No appearance

Issues: Application for an extension of time – Relief from sanctions

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 19th August 2025 that time for the service of the notice of appeal be extended is granted.
2. The appellant shall serve the notice of appeal on the respondents within 14 days of this order (i.e. on or before 5th November 2025).

Reason: The Court considered rule 26.1(2)(k) of the Civil Procedure Rules (Revised Edition) 2023 which provides that the court may extend or shorten the time for compliance with any rule, practice direction, order or direction of the court even if the application for an extension is made after the time for compliance has passed, and rule 62.19(c) which empowers a single judge to make an order to extend time for complying with a rule. Further the Court noted that no sanction is imposed by the rules or by an order of the Court for failure to serve the notice of appeal in time.

The Court was therefore satisfied that the appellant presented good reasons for requesting that the time for service be extended beyond the prescribed 14 days and in the circumstances, it was just that the application be granted.

Case Name: Fidelis Emilien

v

Lorne Theophilus

**[SLUHCVAP2025/0009]
(Saint Lucia)**

Date:	Tuesday 21st October 2025
Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicant:	Ms. Wauneen Louis Harris
Respondents:	No appearance
Issues:	Application for a stay of execution pending appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application for a stay of execution pending appeal of the judgment of Pariagsingh J, delivered 28th April 2025 is refused.
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 failed to provide cogent evidence demonstrating that the appeal would be rendered nugatory if a stay were not granted and had not otherwise met

the threshold for a grant of a stay of execution pending appeal.

Case Name:

Gregory Lord

v

Henry Victorin

**[SLUMCVAP2024/0002]
(Saint Lucia)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicant:

Ms. Mertle John

Respondent:

Mr. Andie George

Issues:

**Application for an extension of time –
Application for relief from sanctions**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant's application filed on 15th August 2025 for time to be extended for the filing of a response to the respondent's notice of opposition is refused.**
- 2. The Senior Magistrate is to cause a copy of the decision of the learned magistrate dated 13th November 2024 to be provided to counsel for the parties within 14 days of the date of this order (i.e. on or before 5th November 2025).**

3. The Registrar of the High Court shall serve a copy of this order on the Senior Magistrate within 7 days of the date of this order and shall provide proof of service thereafter

Reason:

The Court noted the order of this Court dated 29th April 2025 where this Court directed, inter alia, that the Senior Magistrate do cause a copy of the decision of the learned magistrate dated 13th November 2024 to be provided to counsel for the applicant within 14 days. The Court further noted the applicant's indication that he continues to await the written decision of the learned magistrate and that he is unable to adequately respond to the contentions of the respondent without having a copy of the decision.

The Court was of the view that the applicant would have an opportunity to present his argument by filing submissions in support of his appeal and in reply if necessary in accordance once the learned magistrate's decision becomes available. The Court therefore refused the application by the applicant and of its own volition, extended the time for the learned magistrate to provide a copy of her decision to the parties.

Case Name:

**Ned Samuel
Trading as
Ned Samuel Construction Services**

V

1. Mary August
2. Euralie Prescott

**[SLUHCVP2025/0005]
(Saint Lucia)**

Date:	Tuesday 21st October 2025
Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicant:	Mr. Gerard Williams
Respondents:	No appearance
Issues:	Application for substituted service – Application for an extension of time
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The applicant is granted an extension of time to 7th November 2025 to serve the Notice of Appeal filed on 16th April 2025. 2. The applicant is granted permission to effect service of the notice of appeal filed on 16th April 2025 by an alternative method, namely by publication of the notice of appeal and this order in a newspaper of general circulation in Saint Lucia, once per week for two consecutive weeks, commencing on 27th October 2025 and concluding on 7th November 2025. Service shall be deemed to be effective as of the date of the second publication of the notice of appeal in the newspaper. 3. The applicant shall, within seven (7) days of the final publication, file an affidavit of service exhibiting proof of publication of the said notices. 4. The respondent shall have fourteen (14) clear days from the date of deemed service to file any counter-notice of appeal or other notice in response.

5. The appeal shall thereafter proceed in accordance with the Supreme Court Civil Procedure Rules (Revised Edition) 2023.

Reason:

The Court considered rule 62.9(2) of the Civil Procedure Rules (Revised Edition) 2023 which provides that the notice of appeal or amended notice of appeal must be served within 14 days, or within such period as prescribed by law, or order, after the notice has been filed. The Court was also cognizant of rule 7.10(4) of the CPR which sets out the procedures for applying for leave to effect service by an alternative procedure.

The Court was satisfied on the principles governing the grant of an extension of time as established by *Carleen Pemberton v Mark Brantley* SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) that it was just to grant the applications in the circumstances.

Case Name:

Vivian Henry

v

The Attorney General of Saint Lucia

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

Date:

Tuesday 21st October 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 filed on 20th October 2025 for an adjournment of the hearing of the leave to appeal application filed on 30th September 2025 is granted.
2. The hearing of the application for leave to appeal filed on 30th September is adjourned to the next Chamber Hearing scheduled for 18th November 2025.

Reason: Upon considering the overriding objective of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 to deal with cases justly, including allotting an appropriate share of the court's resources, while taking into account the need to allot resources to other cases, the Court determined that the application for an adjournment should be granted.

Case Name: Cassel Lavia

v

The King
[SVGHCRA2022/0012]
(Saint Vincent and the Grenadines)

Date: Tuesday 21st October 2025

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

On paper:
Applicant: In person

Respondent: Ms. Renee Simmons

Issues: Application for bail

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application for bail pending appeal filed on 25th August 2025 is refused.
2. The Registrar of the High Court shall serve this order on the applicant and on the respondent within 7 days of today's date and shall provide proof of service thereafter.

Reason: The Court considered the principles governing the grant of bail pending appeal as enunciated by the Court in *The State v Lynette Scantlebury* (1976) 27 WIR 103 to the effect that while an applicant for bail pending appeal is at liberty to apply, he has no legal entitlement to bail because the presumption of innocence no longer applies, it involves a matter of judicial discretion which must be exercised judicially and only exceptional circumstances will justify the granting of bail pending appeal, such as where the conviction appears plainly wrong.

The Court was of the view that the applicant had not advanced evidence of exceptional circumstances that would justify granting him bail pending appeal and thus refused the application.

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 21st October 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 for hearing to the next chamber sitting on 18th November 2025.
2. The applicant shall serve the application and supporting documents on the

appellants within 7 days of today's date
(i.e. on or before October 31st 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.

Case Name:

1. Himmelstrasse (PTC) Limited
2. TMF (B.V.I) Limited
3. FMC Limited

v

Elena Heinz

**[BVIHCMAP2025/0022]
(Territory of the Virgin Islands)**

Date:

Tuesday 21st October 2025

Before:

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

On paper:

Applicants:

Mr. Charles Goldblatt

Respondent:

Ms. Phillippa O'Sullivan

Issues:

Application for a stay of execution pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed on 18th August 2025 for a stay of execution pending appeal is adjourned for an oral hearing at the

earliest opportunity before the Full Court on a date to be fixed by the Chief Registrar.

2. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 18th November 2025.

Reason:

Upon the Court reading the application bundle filed on 13th October 2025, the Court was of the view that in all the circumstance it was expedient that the application for a stay be heard before the Full Court.