

THE EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

VIDEOCONFERENCE
SAINT VINCENT & THE GRENADINES
Monday, 10th November 2025 to Friday, 14th November 2025

JUDGMENT

Case Name:

**1. Peter Toussaint
2. Terrentia Nigel Toussaint-Carroll
3. The Heirs of Thelma Toussaint**

v

Peter Michael Barnard

**[SLUHCVAP2024/0005]
(SAINT LUCIA)**

Date:

Wednesday, 12th November 2025

**Coram for
Delivery:**

**The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mr. Reginald T. A. Armour, Justice of Appeal
[Ag.]**

Appearances:

Appellant: **In person (Terrentia Nigel Toussaint-Carroll) and
representing the other appellants**

Respondent: **Mr. Dexter Theodore KC**

Issues:

**Civil appeal - Registered title of land - Section 98 of
the Land Registration Act - Rectification of land
register - Pleadings of fraud and mistake - Title by**

prescription - Failure to make claim for prescription at land adjudication process

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appeal is dismissed.**
- 2. Costs awarded to the respondent to be assessed by the Chief Registrar if not agreed within 21 days of the date of this judgment.**

Reason:

- 1. In considering whether the appellants had committed an act of trespass and whether the respondent was able to enforce any rights of the property as against the appellants as trespassers, it is clear that the learned trial judge had had sight of the transfer document from the respondent to Tanburn Estates Ltd and that as such, was satisfied that on registration of the transfer at the Land Registry on 27th May 2015, the respondent had divested himself of the rights as owner in possession so as not to be entitled to any declarations in his favour or to enforce any rights as an individual entitled to vindication of any impeached rights by a trespasser. Furthermore, the appellants did not plead or adduce any argument to impugn the transaction to Tanburn Estates Ltd. The learned trial judge was accordingly entitled on the undisputed evidence irrespective of whether Tanburn Estates Ltd. was a party or not, to find that the respondent was not the person entitled to make the claim and dismiss his claim as she did.**
- 2. The period for the reckoning of the prescription period could only be counted as from the time when the land had been subject to adjudication and the title crystallised upon registration. Moreover, an individual who has a claim to land based on prescription and who fails to make such a claim at the land adjudication process, would have their title extinguished if someone else made a claim to the land and the same**

was registered as having title by way of that claim. The appellant having not produced any evidence to the court below that any such claim was made for Parcel 434, the learned judge could not be said to have erred in finding that any right of prescription that the appellants may have had was extinguished the moment that Parcel 434 was registered to the respondent's predecessor in title and could not be revived by making their claim before the court.

Francis Chitolie et al v St Lucia National Housing Corporation [2023] UKPC 43 applied.

3. Allegations of fraud are not proved by the wanton use of the label 'fraudulent' nor is a transaction negated by such mere assertion. More specifically, in actions where a registered title is being impeached, fraud means some dishonest act or omission, some trick or artifice, calculated and designed to cheat some person of an unregistered right or interest. The appellants failed to show that there were both acts and evidence that amounted to fraud and accordingly the learned judge did not err in finding that the appellants had not met the threshold in relation to the plea of fraud.

Roberts v Toussaint (1963) 6 WIR 431 applied.

4. Section 98 of the Land Registration Act permits the court to order the rectification of the register by directing that any registration be cancelled or amended where it is satisfied that any registration was obtained by fraud or mistake. The instance of fraud or mistake must have occurred during the registration process. In this case, the appellants failed to adequately address how their complaint of mistake fell within the narrow statutory exception to the indefeasibility of title under the Torrens system of land registration. The appellants were therefore not entitled to the clear parameters of rectification as provided for by the LRA.

Section 98 of the Land Registration Act Chap 5.01 of the Revised Laws of Saint Lucia applied; *Louisien v Jacob* [2009] UKPC 3 applied.

APPLICATIONS AND APPEALS

Case name:

Infinity Particles Limited

v

C2 Capital Limited

**[BVIHCMAP2025/0002]
(Territory of the Virgin Islands)**

Date:

Monday, 10th November 2025 and Tuesday, 11th November 2025

**Coram for
Delivery:**

**The Hon. Mr. Gerard St. C. Farara, Justice of Appeal [Ag.]
The Hon. Mde. Cadie St Rose Albertini, Justice of Appeal [Ag.]
The Hon. Mr. Peter Foster, Justice of Appeal [Ag.]**

Appearances:

Appellant: Mr. Stephen Morverley Smith KC with him Mr. James Noble, Ms. Amelia Tan and Mr. Ryan Chong

Respondent: Mr. Paul Chaisty KC with him Mr. Adam Hinks and Ms. Renell Benjamin

Issues:

Commercial appeal - Breach of contract - Whether the learned judge erred in finding that there were valid Letters of Agreement and/or “implied agreements” between the parties - Whether the learned judge erred in finding that the term “financial advisor”, as set out

in the respondent's letters, should be construed to bear the meaning contended for by the respondent - Whether the learned judge erred in finding that there was not a total failure of consideration in that the introduction of investment opportunities by the respondent to the appellant amounted to consideration - Whether the learned judge erred in finding that the consideration for the agreements was not past consideration rendering the contract unenforceable - Whether the learned judge was correct in finding that the Letters of Agreement providing for the respondent to act as financial advisor were not, in the absence a licence, an unauthorised financial services business and therefore illegal under section 50F(1) of the Financial Services Commission Act, 2001 of the laws of the Virgin Islands – Whether the learned judge erred in the exercise of his discretion under section 50G(2) and (3) of the said Act in holding that it was just and equitable in the circumstances of the case to allow the agreement to be enforced - Whether the learned judge erred in finding that the Letters of Agreement were not illegal under Taiwanese law - Whether the learned judge erred in ordering that interest on the amount awarded to the respondent on the claim should run from 31st December 2021 onward and at a rate of 5%

Type of order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reason:

N/A

Case Name:

Sergey Vladimirovich Maksimov

v

WWRT Limited

**[BVIHCMAP2025/0016]
(Territory of the Virgin Islands)**

Date: Wednesday, 12th November 2025

Coram: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mr. Reginald T. A. Armour, Justice of Appeal
[Ag.]

Appearances:

Applicant: Mr. Callum McNeil and Mr. James Gillguyan

Respondent: Mr. Andrew Ayres KC with him Dr. Alecia Johns

Issues: Application to revoke order of a single judge - Order granting security for costs to the respondent ("Security for Costs Order") - Rule 62.21(3)(b) Civil Procedure Rules (Revised Edition) 2023 - Whether the Security for Costs Order should be revoked - Whether it was just in all the circumstances to grant the Security for Costs Order

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reason: N/A

Case name: Bank of Nevis International Limited

v

**Selecta Insurance and Reinsurance
Company (Caribbean) Ltd.**

**[NEVHCVAP2025/0012]
(Saint Kitts and Nevis)**

Date: Wednesday, 12th November 2025

Coram: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mr. Reginald T. A. Armour, Justice of Appeal
[Ag.]

Appearances:

Appellant: Ms. Nadia Chiesa

Respondent: Ms. Edisha Greene

Issues: Interlocutory appeal - Appeal against the order of 2nd May 2025 for immediate committal to prison of James Simpson, the appellant's director and acting CEO - Whether the learned judge made an actual finding of contempt of court on the part of the appellant in the 2nd May 2025 order – Whether the learned judge failed to consider the fact that the 5th March 2025 Order had not been properly served on James Simpson

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Parties are to file legal submissions with authorities addressing the following issues:
 - i. Given that the interlocutory appeal filed on the 20th June 2025 sought to challenge the decision made by the learned judge in the court below to commit James Simspon to prison for a period of 7 days, and given that that

order made no specific declarations or declaratory relief in respect of BONI, counsel is invited to address the court on the viability of the appeal in light of the authorities which address the legal principle that appeals are against orders of the court and not against findings and observations made by the learned judge.

- ii. The appropriate costs orders to be made where the Court finds that the appeal should be dismissed as disclosing no reasonable cause or alternatively the appropriate costs order to be made where the Court determines that the appeal should not be dismissed.

2. These legal submissions are to be lodged and exchanged within 14 days of today's date or on or before 27th November 2025.

3. Judgment is reserved pending receipt of the legal submissions.

Reason:

The Court noted that its judgment in *James Simpson v Selecta Insurance and Reinsurance Company (Caribbean) Limited, NEVHCVAP2025/0010* (delivered on 17th October 2025, unreported) addressed the orders sought in this appeal and invited counsel for both parties to consider its import and to take instructions from their respective clients.

The Court also invited both Counsel to also address the viability of this appeal in light of the order, which is the subject matter of the appeal, the orders sought on appeal, the grounds of appeal advanced and the judgment of this Court in *James Simpson v Selecta Insurance and Reinsurance Company (Caribbean) Limited, NEVHCVAP2025/0010*.

Counsel for the appellant indicated that her instructions were to pursue the appeal, notwithstanding the fact that the substantive order sought in this appeal had essentially been resolved in

the judgment of this Court in *James Simpson v Selecta Insurance and Reinsurance Company (Caribbean) Limited*, NEVHCVAP2025/0010. Counsel for the respondent indicated that she was instructed to oppose the appeal for the reasons indicated in written submissions filed on 7th November 2025.

Given that these issues were raised by the Court for the first time during the hearing of the appeal, the Court determined that it would be fair and appropriate to invite Counsel to lodge and exchange written submissions. The Court invited counsel to file and exchange legal submissions to assist in its disposition of this appeal.

Case name:

- 1. Shanile Howe**
- 2. Novita Roberts**
- 3. Cavet Thomas**
- 4. Alfonzo Lyttle**
- 5. Brenton Smith**
- 6. Sylvorne Olliver**
- 7. Shefflorn Ballantyne**
- 8. Travis Cumberbatch**
- 9. Rohan Giles**

v

- 1. The Minister of Health & the Environment**
- 2. The Public Service Commission**
- 3. The Commissioner of Police**
- 4. Attorney General**
- 5. Police Service Commission**

**[SVGHCVAP2023/0003]
(Saint Vincent & the Grenadines)**

Date:

Thursday, 13th November 2025

Coram: The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mr. Reginald T. A. Armour, Justice of Appeal [Ag.]
The Hon. Mr. Peter Foster, Justice of Appeal [Ag.]

Appearances:

Applicants: Ms. Cara Shillingford with Mr. Jomo Thomas and Ms. Shirilan Zita Barnwell

Respondents: Mr. Anthony Astaphan SC with him Ms. Karen Duncan, Mrs. Cerepha Harper Joseph and Mrs. Franeek Prince for the 1st, 3rd, and 4th respondents
Mr. Grahame Bollers for the 2nd and 5th respondents

Issues:

Constitutional appeal - Conditional leave to appeal to His Majesty in Council - Pension rights as property - Whether the Court of Appeal erred in determining that the intended appellants did not possess constitutionally protected pension rights under section 6 of the Constitution - Interpretation of “property” under section 6(8) - Whether Rules 8(1) and (2) of the Public Health (Public Bodies Special Measures) Rules 2021 effected an unconstitutional deprivation of property - Proportionality - Whether the Court of Appeal properly applied the proportionality test from *De Freitas v Permanent Secretary of Ministry of Agriculture, Fisheries, Lands and Housing* [1998] 3 WLR 675; *Bank Mellat v Her Majesty's Treasury (No 2)* [2014] AC 700; and *Suraj and others v Attorney General of Trinidad and Tobago (Trinidad and Tobago)* [2023] AC 337 - Whether the majority erred in relying on the absence of scientific evidence in the court below to permit the appeal on the grounds related to proportionality - Statutory interpretation - Deeming provisions - Whether the Court of Appeal erred in treating part of Rule 8(1) as surplusage - Proper construction and legal effect of deeming that an officer is “to be treated as absent from duty without leave” - Natural justice - Whether the deeming of abandonment under Regulation 31 triggered obligations of fairness - Whether the Commissions and Commissioner of Police

predetermined that the appellants lacked reasonable excuse - Administrative law - Whether a post-decision review mechanism satisfies procedural fairness requirements - Separation of powers - Whether the Minister usurped the constitutional authority of the Public Service Commission, Police Commission, and the Commissioner of Police - Scope of ministerial rule-making power under section 247 of the Public Health Act and its relationship to section 43B - Evidence - Whether the majority erred in overturning the trial judge's findings concerning the Chief Medical Officer's advice - Appellate review - Whether the majority failed to accord proper deference to the trial judge's factual findings - Whether the expert evidence was wrongly treated as necessary given the trial judge's ruling that such evidence was not reasonably required - Threshold for granting conditional leave - Whether the intended appeal raises questions of great general public importance - Whether the matter satisfies the monetary and constitutional interpretation requirements for an appeal as of right under section 99 of the Constitution

Type of Order:

Oral Decision

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The Applicants:

- i. are granted conditional leave to appeal to the Privy Council against the Judgment and orders of the Court of Appeal dated 12th February 2025, conditioned on the applicants satisfying the requirements in sub-paragraphs (ii), (iii) and paragraph 2 of this Order;
- ii. shall within 90 days of the date of this Order enter into good and sufficient security to the satisfaction of the Court by paying into Court the sum of £500 sterling (or its US dollar equivalent) for the due prosecution of the appeal and the payment of all such costs as may become payable in the event that they do

not obtain an order granting them final leave to appeal or of the appeal being dismissed for want of prosecution or of the Privy Council ordering them to pay the costs of the appeal, as the case may be; and

- iii. shall apply for final leave to appeal to the Privy Council, supported by the certificate of the Registrar that the condition of payment of the security for costs of the prosecution of the appeal referred to at paragraph 1(ii) above has been given to the satisfaction of the Registrar within the time prescribed by this Order.

1. The Record of Appeal shall be prepared in accordance with Rule 27 of the Judicial Committee (Appellate Jurisdiction) Rules Order 2024 and its Practice Directions 5.3 – 5.8 and the same shall be transmitted to the Registrar of the Privy Council without delay where final leave to appeal has been granted.

2. The costs of and occasioned by the Permission to Appeal Application shall be costs in the appeal to the Privy Council.

Reason:

Before the Court was an application for leave to appeal to His Majesty in Council pursuant to the Constitution of Saint Vincent and the Grenadines, SI 916 of 1979 [UK], Schedule 1, section 99 made pursuant to the West Indies Associated States (Appeals to Privy Council) Order 1967, SI 1967 No. 224, [UK], section 4, against the majority judgment of the Court of Appeal delivered on 12th February 2025.

The Court read the notice of motion on behalf of Shanile Howe and others (“the applicants”) filed on 3rd March 2025 for conditional leave to appeal to His Majesty in Council (“the Privy Council”) against the majority judgment of the Eastern Caribbean Court of Appeal, delivered on 12th February 2025, pursuant to the provisions of Sections 99(1)(a), 99(1)(c), or alternatively 99(2)(a) of the Constitution of Saint Vincent and the Grenadines, seeking the following:

- 1. An order setting aside the judgment of the Court of Appeal and reinstating the declarations, orders of certiorari, and other orders made by the learned trial judge;**
- 2. A declaration that Rules 8(1) and (2) of the Public Health (Public Bodies Special Measures) Rules 2021 are unconstitutional, unlawful, void, and of no effect insofar as they contravene section 6 of the Constitution by depriving the respondents of their property rights in pension entitlements without providing for adequate compensation within a reasonable time;**
- 3. A declaration that the decisions of the Public Service Commission, the Police Service Commission and the Commissioner of Police to deem the respondents to have resigned their offices were void for breach of natural justice;**
- 4. Such further or other relief as the Judicial Committee of the Privy Council deems just;**
- 5. Costs in this appeal and the courts below.**

The court also read the affidavit of Shefflorn Ballantyne filed on 3rd March 2025 in support of the Notice of Motion for conditional leave to appeal to the Privy Council, and the submissions in opposition to the motion for conditional leave filed by the 1st, 3rd and 4th respondents on 20th October 2025.

The Court noted Senior Counsel for the 1st, 3rd and 4th respondents' indication at the hearing that they were content to rely on their written submissions and would not be advancing any oral submissions, and that the 2nd and 5th respondents did not file any submissions in opposition to the motion.

The Court further noted that there was no response by the respondents to the Court's query whether there was any dispute that the value of the property exceeds the prescribed value, and there was no affidavit evidence to the contrary.

The Court was satisfied that the judgment and orders against which the applicants intend to appeal are final and that an appeal lies as of right pursuant to sections 99(1)(a) and 99(1)(c) of the Constitution of Saint Vincent and the Grenadines and thus granted leave.

Case name:

Swan John

v

The Commissioner of Police

**[SVGMCRAP2024/0019]
(Saint Vincent & the Grenadines)**

Date:

Thursday, 13th November 2025

Coram:

**The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mr. Reginald T. A. Armour, Justice of Appeal
[Ag.]
The Hon. Mr. Peter Foster, Justice of Appeal [Ag.]**

Appearances:

Appellant: Mr. Jomo Thomas

Respondent Mr. Devon Bute

Issues:

Magisterial Criminal appeal - Appeal against conviction - Damage to property without lawful excuse contrary to section 267(1) of the Criminal Code, Chapter 171 of the Laws of St. Vincent & the Grenadines Revised Edition 2009 - Appeal withdrawn

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

The appeal is withdrawn and stands dismissed.

Reason: The appeal was withdrawn by counsel for the appellant.

Case Name: **Kemron Spencer**

v

The King

**[SVGHCRAP2018/0013]
(Saint Vincent & the Grenadines)**

Date: Thursday, 13th November 2025

Coram: The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mr. Reginald T. A. Armour, Justice of Appeal [Ag.]
The Hon. Mr. Peter Foster, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Ms. Renee Simmons

Issues: Magisterial criminal appeal - Appeal against conviction and sentence - Attempted murder contrary to section 315(1) of the Criminal Code, Chapter 171 of the laws of Saint Vincent and the Grenadines, Revised Edition 2009 - Possession of firearm without a licence contrary to section 4(3) of the Firearms Act Chapter 386 of the Laws of Saint Vincent and the Grenadines, Revised Edition 2009 - Possession of ammunition without a licence, contrary to section 4(3) of the Firearms Act Chapter 386 of the Laws of Saint Vincent and the Grenadines, Revised Edition 2009 - Whether the magistrate erred in finding that the firearm was in the appellant's possession - Mistaken identity - Whether the failure to hold an identification parade made the conviction unsafe - Hearsay

evidence – Whether the magistrate erred in permitting the virtual complaint to give evidence that a person, who was not called as a witness, had told him that the appellant was his assailant - Corroboration – Whether the evidence of the virtual complainant needed to be corroborated - Whether the sentence is harsh or excessive

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reason:

N/A

Case Name:

Kenty Williams

v

Kyrol Williams

**[SVGHCVAP2021/0003]
(Saint Vincent & the Grenadines)**

Date:

Friday, 14th November 2025

Coram:

**The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Cadie St Rose Albertini, Justice of Appeal [Ag.]**

Appearances:

Appellant:

Mr. Noel Bruce holding papers for Mr. Israel Bruce

Respondent: Ms. Tonya Da Silva

Issues: Civil appeal - Matrimonial proceedings - Ancillary relief - Whether the learned judge erred in awarding 35% interest of the market value of the matrimonial home to the respondent as opposed to 35% interest in the net equity - Whether the learned judge failed to give adequate weight to outstanding mortgage - Whether the learned judge's award was unfair and unreasonable

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:
Judgment is reserved.

Reason: N/A

Case Name: In the Matter of an Application by Marie Laurence Mertz for a Declaration of Possessory Title of Land

[SVGHCVAP2019/0016]
(SAINT VINCENT & THE GRENADINES)

Date: Friday, 14th November 2025

Coram: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Cadie St Rose Albertini, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Julian Jack with Ms. Mandela Peters

Issues:

Civil appeal - Section 24 of the Possessory Titles Act, Chapter 328 of the Revised Laws of Saint Vincent and the Grenadines, 2009 - Whether the learned judge erred in giving too much consideration to the constructive trust and agency issues which were irrelevant to the determination of possessory title - Whether the learned judge erred in finding that the appellant failed to establish the elements necessary to satisfy a claim of adverse possession, specifically to show factual possession of the subject property -Whether the learned judge erroneously ruled that the appellant's evidence of possession of the entire parcel of land was insufficient to establish adverse possession of the entire parcel of land - Whether the appellant has a legal or equitable right in the property by virtue of contributions made - Whether the appellant is precluded from raising equitable interest in and adverse possession of the parcel of land.

Type of Order:

Oral delivery

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appeal is allowed.**
- 2. The judgment of the learned judge in the court below is set aside.**
- 3. The appellant, Marie Laurence Mertz is adjudged to be in adverse possession of the land situated at Richmond, Union Island in the State of Saint Vincent and the Grenadines together with all the buildings and erections thereon, measuring sixty-four thousand one hundred and ninety-nine square feet (64,199 sq. ft) as is more particularly delineated on Survey Plan Gr 1405 which was approved and lodged at the Surveys Department of the State of Saint Vincent and the Grenadines on 17th May 2017 by Chief Surveyor Keith Francis.**

4. The Court shall provide an order which sets out the reasons for allowing the appeal.

Reason:

Before the Court was an appeal against the decision of the learned judge contained in the judgement dated 3rd April 2019. Having heard oral submissions from counsel for the appellant and also considered the written submissions for the appellant, the Court allowed the appeal. The Court indicated that an order containing the reasons for the decision would follow.

Case Name:

Sally King

v

**Daphne Paynter
(personal representative of Alice Mandeville
(deceased) and Agent for Pamela Kirby and
Lorraine Bascombe)**

**[SVGHCVAP2021/0008]
(SAINT VINCENT & THE GRENADINES)**

Date:

Friday, 14th November 2025

Coram:

**The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Cadie St Rose Albertini, Justice of
Appeal [Ag.]**

Appearances:

Appellant: Dr. Aron Linton Lewis
Respondent: Mr. Akin John

Issues:

**Magisterial civil appeal - Possession of property -
Recovery of Possession Act Cap 131 Laws of St.
Vincent and the Grenadines Revised Edition 2009 -**

Whether the Learned Magistrate erred in finding that on the evidence brought before the court, the appellant did not prove to the court or give reasonable cause to show that Possession should not be given to respondent - Findings of fact - The applicable principles that should inform an appellate court when it is invited to reverse a finding of fact - Creation of a Tenancy – Relationship of Landlord and Tenant - Whether the tenant is at liberty to dispute the root of title of the landlord - Estoppel Between Landlord and Tenant - Agent - Ownership of Land - Fraud

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. Counsel for the respondent is to provide further submissions to the Court with respect to the cases of *Greer and another v Kettle* [1938] A.C. 156 and *Lazarus Estates v Beasley* [1956] 1 Q.B. 702 of no more than 5 pages long on or before 1st December 2025.**
- 2. The appellant shall file further submissions in response to the respondent's submissions of no more than 5 pages long on or before 11th December 2025.**
- 3. Judgment is reserved pending receipt of these further submissions.**

Reason:

Before the Court was an appeal against the decision of the learned magistrate given on 8th April 2021. Upon hearing counsel for the parties and noting the decisions in *Greer and another v Kettle* [1938] A.C. 156 and *Lazarus Estates v Beasley* [1956] 1 Q.B. 702, which were referred to by the appellant in oral submissions, the Court ordered that the respondent be given an opportunity to respond by written submissions to these cases. The appellant was also given an opportunity to respond to these submissions. Final judgment was reserved pending receipt of these further submissions.

Case Name:

Granvil Defreitas

v

The Commissioner of Police

**[SVGMCRAP2021/0013]
(SAINT VINCENT & THE GRENADINES)**

Date:

Friday, 14th November 2025

Coram:

**The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Cadie St Rose Albertini, Justice of Appeal [Ag.]**

Appearances:

Appellant: Mr. Ronald Marks

Respondent: Mrs. Maria Jackson-Richards

Issues:

Magisterial Criminal Appeal – appeal against conviction – Section 308 of the Criminal Code, Chapter 171 of the Revised Edition of the Laws of Saint Vincent and the Grenadines, 2009 – Whether the learned magistrate’s decision cannot be sustained by the evidence

Type of Order:

Oral delivery

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The appeal is allowed.

2. The conviction of the appellant is quashed.

Case Name:

Okkert Arthur

v

The Commissioner of Police

**[SVGMCRAP2024/0010]
(Saint Vincent & the Grenadines)**

Date:

Friday, 14th November 2025

Coram:

**The Hon. Mde. Vicki Ann Ellis, Justice of Appeal
The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Cadie St Rose Albertini, Justice of Appeal [Ag.]**

Appearances:

Appellant: In person

Respondent: Mrs. Maria Jackson-Richards

Issues:

Magisterial Criminal Appeal – appeal against conviction and sentence - Wounding - section 174 of the Criminal Code, Chapter 171 of the evidence of the virtual complainant was not supported by any independent or material evidence – Whether upon sentencing the appellant the learned magistrate failed to inquire whether he wished to mitigate his sentence – Whether the conviction was not supported by the evidence – Whether the decision and sentence of the learned magistrate should be set aside - Adjournment

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

The hearing of appeal is adjourned to the Court of Appeal's sitting for the State of Saint Vincent and the Grenadines scheduled for the week commencing 4th May 2026.

Reason:

The appellant requested an adjournment on the basis that he is unsatisfied with his legal counsel and wishes to regain his files to retain alternate legal counsel. Counsel for the respondent did not object to the appellant's request for an adjournment.

The Court was of the view that the adjournment should be granted but was mindful of the fact that the appeal was filed on 27th March 2024, and the appellant is currently on bail pending the hearing of the appeal.

Accordingly, the Court admonished the appellant that this will be the final adjournment in respect of this matter and that he will be expected, on the next occasion, to attend Court with a fully briefed attorney to prosecute his appeal. The Court further admonished the appellant that if he is unable to retain legal representation, he should attend court and be ready to prosecute his appeal pro se.