

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
TUESDAY 29TH APRIL 2025

MATTERS DEALT WITH ON PAPER

Before: The Hon. Madame Margaret Price-Findlay, Justice of Appeal
Case name: Dante Tagliaventi
v
The Supervisory Authority
(ANUHCVP2024/0040)
ANTIGUA AND BARBUDA

Date: Tuesday, 29th April 2025

On paper:

Applicant: Mr. Hugh C. Marshall Jr.

Respondent: No appearance

Issues: Application for leave to appeal

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file written submissions in support of its application for leave to appeal within 14 days of the date of this order.
2. The application for leave to appeal is set down for further consideration at the next chamber sitting of this Court scheduled for 27th May 2025.

Reason: The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 as well as the principles of the grant of leave to appeal in the Othneil Sylvester v Faellesehe SVGHCVAP2005/0004 (delivered 20th February 2006, unreported) and Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited SLUHCVP2011/0045 (delivered 23rd January 2012, unreported). The Court was of the view that that the applicant ought to file written submissions in support of his application, in particular on the issue of whether the intended appeal has a realistic prospect of success, in order for the Court to properly consider and determine

whether leave to appeal should be granted. Therefore, the Court adjourned the application for the applicant to file written submissions in support of the application.

Case name: Jenoure Craig
v
The King
(ANUHCRA2024/0013)
ANTIGUA AND BARBUDA

Date: Tuesday, 29th April 2025

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issues: Application for leave to appeal against conviction and sentence

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve on the Director of Public Prosecutions a notice of application for an extension of the time within which to apply for leave to appeal.
2. The applications for an extension of time and for leave to appeal sentence are adjourned to the next Chamber Sitting of the Court scheduled for 27th May 2025.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent within 7 days and shall provide proof of service thereof.

Reason: The Court noted that the applicant was sentenced to 34 years imprisonment for the offence of murder on 11th December 2024 and the application for leave to appeal against sentence and conviction was out of time and was unaccompanied by an application for an extension of time. In the circumstances, the Court adjourned the application to allow the applicant to file the necessary application.

Case name: Kathleen Raye
v
Capital Bank International Limited

**(In Receivership)
(GDAHCVAP2017/0017)
GRENADA**

Date: Tuesday, 29th April 2025

On paper:

Applicant: Mr. Trevon A. St. Bernard

Respondent: Ms. Mckaeda Augustine

Issues: Application for assessment of costs

Result/Order: IT IS HEREBY ORDERED THAT:

1. The respondent/applicant shall on or before 7th May 2025 file and serve an amended bill of costs which must include particulars as to the identity or position of the person who was responsible for and did undertake and complete each numbered line item, the relevant charge out rate for that person and the amount of time expended on executing each of those line items.
2. The application for assessment of costs is adjourned to the next Chamber Hearing of the Court scheduled for 27th May 2025.

Reason: The Court noted that that the respondent/applicant did not indicate in the referenced bill of costs the amount of time spent in completing the work described in the bill of costs or the charge out rate of the legal practitioner or other employee responsible for such items; and being of the view, that in the circumstances the Court does not have sufficient material on which to conduct the assessment. In the circumstances, the Court determined that it is necessary to adjourn the hearing of this application pending receipt of further information to facilitate completion of the assessment and that it is necessary to issue consequential directions.

Case name:

**Clem Sylvester
v
The King
(SLUHCRA2024/0001)
SAINT LUCIA**

Date: Tuesday, 29th April 2025

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

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

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with affidavit evidence which makes clear and sets out details of his financial means within 14 days of the date of this order.
2. The court's office in Saint Lucia will assist the applicant and facilitate the said affidavit evidence within the time prescribed.
3. The application for legal aid is adjourned for consideration by a single judge of the Court of Appeal in Chambers.
4. The Registrar shall provide the applicant and to this Court, with a copy of the applicant's minute of conviction and sentence within 14 days of the date of this order.
5. The application for an extension of time for leave to appeal as well as the application for leave to appeal against conviction is adjourned to the next Chamber Hearing of the Court of Appeal scheduled for 27th May 2025.
6. The Registrar of the High Court shall serve a copy of this order on the applicant within 7 days of the date of this order.

Reason: The Court was of the view that the applicant has not established that he does not have sufficient means to enable him to obtain legal representation and that the applicant has failed to provide the Court with a copy of the minute of conviction. Therefore, the Court adjourned the applications to allow the applicant to provide the Court with affidavit evidence which makes clear and sets out details of his financial means.

Case name: Mario Perez
v
The King
(SLUHCRA2025/0001)
SAINT LUCIA

Date: Tuesday, 29th April 2025

On paper:
Applicant: In person

Respondent: Director of Public Prosecutions

Issues: Application for leave to appeal out of time

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is directed to file the minute of conviction and sentence in respect of SLUCRD2012/1750 within 7 days of the date of this Order.
2. The application for leave to appeal out of time is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 27th May 2025.

Reason: The Court was of the view that that the minute of conviction must be filed in order to make a determination on the application. Therefore, the Court adjourned the application to allow the applicant to file the minute of conviction.

Case name: Calbert Toney
v
The King
(SVGHCRAP2024/0017)
SAINT VINCENT AND THE GRENADINES

Date: Tuesday, 29th April 2025

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issues: Application for legal aid

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted one final opportunity to provide this Court with evidence that he requires legal representation.
2. The applicant shall provide this Court with medical evidence from the prison doctor regarding his eye condition on or before 15th May 2025. Upon receipt, this Court will reconsider the applicant's application for legal aid.
3. The application for legal aid is adjourned to the next Chamber Hearing scheduled for 27th May 2025.

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

Reason: The Court was of the opinion that the applicant has not established that he does not have sufficient means to enable him to obtain legal representation. Therefore, the Court adjourned the matter to allow the applicant one final opportunity to provide the Court with evidence that he requires legal representation.

Case name: Zakeem Bess
v
The King
(SVGHCRA2024/0001)
SAINT VINCENT AND THE GRENADINES

Date: Tuesday, 29th April 2025

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issues: Application for legal aid

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with detailed affidavit evidence which makes clear and sets out his financial means within 14 days of the date of this order.
2. The court's office in Saint Vincent and the Grenadines will assist the applicant and facilitate the filing of the said affidavit evidence within the time prescribed.
3. The application for legal aid is adjourned for further consideration at the next chamber sitting of this Court scheduled for 27th May 2025.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.

Reason: The Court was of the opinion that the applicant has failed to provide sufficient evidence to enable the Court to make a determination on his

application. Therefore, the Court adjourned the application to allow the applicant to provide the Court with detailed affidavit evidence which makes clear and sets out his financial means.

Case name: Culgoa Limited
v
Basement Investments Limited
(BVIHCMAP2024/0011)
TERRITORY OF THE VIRGIN ISLANDS

Date: Tuesday, 29th April 2025

On paper:
Applicant: Ms. Arabella di Iorio
Respondent: Mr. Nicholas Burkill

Issues: Application to amend documents – Application to adduce new evidence
– Application to rely on supplemental submissions

Result/Order: IT IS HEREBY ORDERED THAT:
1. The respondent shall file and serve its evidence in answer to the application and its written submissions within 14 days of the date of this order.
2. The application is adjourned for further consideration to the next chamber sitting of this Court scheduled for 27th May 2025.

Reason: The Court noted the email correspondence of the parties dated 22nd April 2025 in which the parties agreed for an extension for the respondent to file and serve its evidence in answer to the application and its written submissions as well as the draft consent order attached to the email correspondence which states that the hearing be adjourned to 27th May 2025 and granted the adjournment for further consideration.