

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING**

**MONTSERRAT
VIDEOCONFERENCE
WEDNESDAY 30TH APRIL 2025**

HIGH COURT CIVIL APPEALS

Case Name:

**Kenneth Kryz
Greg Mitchell (Joint Liquidators)
v
Financial Services Commissioner**

**[MNIHCVAP2020/0020]
(Montserrat)**

Date:

Wednesday 30th April 2025

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms Anna-Kay Brown

Respondent:

Ms. Sheree Jemmotte Rodney, Attorney General

Issues:

The status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondent shall review the Record of Appeal filed on 30th April 2025 and inform the appellant as to whether there are any further documents to be included, on or before 16th May 2025.**

2. The appellant is at liberty to file and serve a supplementary Record of appeal, if necessary, on or before 17th June 2025.
3. The appellant shall file and serve supplemental written submissions with authorities on or before 30th May 2025.
4. The respondent shall file and serve supplemental written submissions with authorities on or before 4th July 2025.
5. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of Montserrat, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason:

The Attorney General noted that the record of appeal and bundles were filed as of today's date and has agreed to review the bundle and revert to counsel for the appellant if there were any issues.

The appellant's submissions were filed on 9th December 2020 and respondent's submissions filed on 23rd December 2020. The parties sought directions from the Court to file supplemental submissions.

Case Name:

**Human Resources Management Unit
Office of the Deputy Governor
Attorney General**

v

Raymond Cabey

**[MNIHCVAP2023/0005]
(Montserrat)**

Date:

Wednesday 30th April 2025

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Cedricia Shiell

Respondent: In Person

Issues: The status of the matter

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 24th September 2025 to allow the respondent a further opportunity to obtain legal representation.
2. The Registrar of the High Court shall serve a copy of this order on the respondent personally and provide proof of service thereafter.

Reason: Mr. Cabey indicated that he made some inquiries in relation to getting a court appointed lawyer however he did not feel comfortable taking this course of action since his matter is against the Attorney General. Additionally, his efforts to get a lawyer have not been successful and he indicated that he may have to represent himself in the matter.

No record of appeal has been filed and the appellant stated that she was allowing Mr. Cabey the time to retain counsel. However, if he is defending himself then the matter can be progressed.

The Court noted that the respondent wished to be given one last opportunity to seek legal representation and the appellant did not object to the request.

HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION

Case Name: John Allen
v
The King
[MNIHCRAP2021/0003]

(Montserrat)

Date: Wednesday 30th April 2025

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In Person

Respondent: Mr. Oris Sullivan, DPP

Issues: The status of the matter

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Territory of Montserrat scheduled for 24th September 2025 to allow the appellant a further opportunity to seek legal representation.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The appellant indicated that Mr. Warren Cassell is supposed to be his lawyer, however he has not seen Mr. Cassell although he has paid Mr. Cassell to represent him. Mr. Cassell resides in Antigua so he's unsure that he can represent him from Antigua and that Mr. Cassell had indicated that he would pass the matter over to Dr. Dorsett.

The Director of Public Prosecutions indicated that the appeal is 4 years old and needs to be progressed. The matter has been managed several times however he was minded to give the appellant one more opportunity before he applies to have the matter struck out.

The court advised that the appellant had only recently been informed that his request for legal aid was denied by the state and thus he should therefore be given the opportunity to seek legal representation.

Case Name:

**Khadije Irish
v
The King
[MNIHCRAP2022/0005]
(Montserrat)**

Date:

Wednesday 30th April 2025

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In Person

Respondent:

Mr. Oris Sullivan, DPP

Issues:

The status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The matter is adjourned to the next status hearing of the court of appeal for the Territory of Montserrat scheduled for 24th September 2025 to allow the appellant to make an application to the Court to be assigned counsel to represent him in his appeal.**
- 2. The Registrar of the High Court shall serve a copy of this order on the appellant and provide proof of service thereafter.**

Reason:

The appellant was denied legal aid by the state. The appellant noted that the court can assign a lawyer to an appellant. The court advised that he may make an application to the court in writing to be granted legal aid. The Director of Public Prosecutions does not object and agrees to adjournment to the next status hearing to allow the appellant to make the application.

Case Name:

**Maurice Hunte
v
The King
[MNIHCRAP2023/0002]
(Montserrat)**

Date:

Wednesday 30th April 2025

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Kenroy Hyman

Respondent:

Mr. Oris Sullivan, DPP

Issues:

The status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall take the necessary steps to represent case on the E-Litigation Portal and serve the authorisation codes on the respondent on or before 8th May 2025.**
- 2. The appellant shall file and serve written submissions with authorities on or before 16th May 2025.**
- 3. The respondent shall file and serve written submissions with authorities on or before 11th July 2025.**
- 4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 31st July 2025.**
- 5. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of Montserrat, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**

Reason:

The appeal record was filed on 4th April 2025. Counsel indicated that there may have been a glitch with the numbering of the pages and that upon reviewing the notes he realised that some evidence was missing. The

Registrar immediately provided the other 2 volumes of the record. The Registrar was informed of the error with the page numbering; this has been resolved as an e-copy was sent to counsel.

Counsel for the appellant indicated that he began his preparation in term of preparing his submissions, however these submissions have not been filed. Counsel also indicated that he is in a position to take instructions for the filing of submissions. The appellant is almost through with doing so.

Case Name:

Raschief Griffiths

Kaschief Griffiths

v

The King

[MNIHCRAP2024/0002

(Montserrat)

Date:

Wednesday 30th April 2025

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In Person

Respondent:

Mr. Oris Sullivan, DPP

Issues:

The status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve the authorisation codes for the E-Litigation Portal on the respondent on or before 8th May 2025.
2. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 24th September 2025 to allow the appellants to seek legal representation.

3. The Registrar of the High Court shall serve a copy of this order on the appellants and provide proof of service thereafter.

Reason: The notice of appeal filed on 12th August 2024 and the record of appeal filed on 17th October 2024. No submissions have been filed. The appellants indicated that they are trying to get legal representation. They are asking for more time to get legal representation sorted.

The Director of Public Prosecutions does not object, he however wished to know how much time they would need. The appellants said that he is waiting to hear from a lawyer to confirm whether he can represent them.

MAGISTERIAL CIVIL APPEALS

Case Name: Penelope Beadle
v
James Henry Lee

**[MNIHCRAP2024/0002
(Montserrat)**

Date: Wednesday 30th April 2025

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: The status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Territory of Montserrat scheduled for 24th September 2025 to allow the appellant to be present to indicate whether she is still interested in prosecuting this appeal.
2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason:

The Court noted that the appeal record was filed on 21st January 2020 however no submissions have been filed by the parties.

The Bailiff said that he has served the certificate of result on the appellant, who advised that she is no longer interested in prosecuting the appeal. The Registrar was asked to have the Bailiff prepare an affidavit to that effect. The respondent was served but informed the Bailiff that he was not attending the status hearing.

Case Name:

Sylvester Solomon

v

Cassandra Weekes

[MNIMCVAP2016/0002]

(Montserrat)

Date:

Wednesday 30th April 2025

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: The status of the matter

Result / Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the parties could not be found to be served with notice of today's hearing, the matter is adjourned to the next Status Hearing of the Court of Appeal for the Territory of Montserrat scheduled for 24th September 2025 for the appellant to be present to indicate whether he is still interested in prosecuting this appeal.
2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason: The Court noted that the appeal record was filed on 5th May 2019. The appellant is no longer resident in the Territory.

The appellant was not served to be present. The Registrar was asked to ensure that affidavits of non-service are filed by the Bailiff.

Case Name: Catherine Tuitt
v
The Director of Public Prosecutions

[MNIMCRAP2025/0001]
[formerly MNIMCRAP2018/0001]
(Montserrat)

Date: Wednesday 30th April 2025

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Sylvester Carrot

Respondent: Mr. Oris Sullivan, DPP

Issues:

The status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve the authorisation codes for the E-Litigation Portal, on the parties on or before 8th May 2025.**
- 2. The appellant shall file all agreed previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E-Litigation Portal on or before 17th May 2025.**
- 3. The appellant shall file and serve written submissions with authorities on or before 17th May 2025.**
- 4. The respondent is at liberty to file and serve supplemental submissions with authorities on or before 11th July 2025.**
- 5. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 28th July 2025.**
- 6. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of Montserrat on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**

Reason:

Counsel for the appellant indicated that they are in possession of all the documents, the parties having agreed the same, and the record of appeal can now be filed on the E Litigation Portal. He is in a position to file a full bundle and submissions.

The DPP did not object to the proposed course of action. The Court noted that the parties have not represented case on the E Litigation Portal however the parties indicated that they have not received the authorisation codes.