

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

23<sup>rd</sup> January 2024

**MATTERS DEALT WITH ON PAPER**

**Before:** The Hon. Mr. Gerard Farara, Justice of Appeal  
[Ag.]

**Case Name:** Leon Riley  
v  
The King

[ANUHCRAP2023/0010]  
(Antigua and Barbuda)

**Date:** Tuesday, 23<sup>rd</sup> January 2024

**On paper:**

**Applicant:** Mr. Wendel Alexander

**Respondent:** Director of Public Prosecutions

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

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

1. An extension of time is granted to the applicant to apply for leave to appeal against his conviction and sentence.
2. The notice of application for leave to appeal against conviction and sentence is granted.

3. The notice of application filed on 23<sup>rd</sup> November 2023 is deemed to be the notice of appeal.
4. 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 was of the view that the application should be granted an extension of time and met the threshold for the grant of leave to appeal.

**Case Name:**

**Asarni Thomas  
v  
Client Communications Services Inc  
  
[ANUHLTAP2023/0009]  
(Antigua and Barbuda)**

**Date:**

**Tuesday, 23<sup>rd</sup> January 2024**

**Appearances:**

**Applicant:** Mr. Wendel Alexander

**Respondent:** Dr. L Errol Cort

**Issues:**

Application for extension of time to file notice of appeal –  
Application to deem notice of appeal properly filed –  
Application for relief from sanctions

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

The application for an extension of time to file the notice of appeal is refused.

**Reason:** The Court considered 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 6<sup>th</sup> July 2020, unreported) and was of the view that the application for an extension of time ought to be refused in the circumstances.

**Case Name:** O'Neil Mighty  
v  
The King  
[GDAHCRAP2023/0020]  
(Grenada)

**Date:** Tuesday, 23<sup>rd</sup> January 2024

**Appearances:**  
**Applicant:** Mr. Jerry Edwin  
**Respondent:** The Director of Public Prosecutions

**Issues:** Application for leave to appeal against sentence

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

1. The notice of application for leave to appeal against sentence is granted.
2. The notice of application filed on 15<sup>th</sup> November 2023 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 was satisfied that the applicant met the threshold for the grant of leave to appeal.

**Case Name:** Levi Maximea  
v  
The Dominica Agricultural Industrial and  
Development Bank  
[DOMHCVAP2023/0012]  
(Commonwealth of Dominica)

**Date:** Tuesday, 23<sup>rd</sup> January 2024

**Appearances:**  
**Applicant:** In person  
**Respondent:** No appearance

**Issues:** Application for leave to appeal

**Result /  
Order:** IT IS HEREBY ORDERED:  
  
The application for leave to appeal against the decision of  
Josiah-Graham J delivered 8<sup>th</sup> November 2023, is set down  
for hearing before the Full Court on a date to be fixed by  
the Chief Registrar.

**Reason:** The Court considered that the applicant's application for  
leave to appeal did not meet the threshold for the grant of  
leave to appeal and upon considering rule 62.2(7) of the  
Civil Procedure Rules (Revised Edition) 2023, directed the  
matter to be fixed.

**Case Name:** Peter Scotland  
v  
Chief of Police  
[SKBMCRAP2023/0009]  
(Saint Kitts and Nevis)

**Date:** Tuesday, 23<sup>rd</sup> January 2024

**Appearances:**

**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 within 14 days of the date of service on him of this order file and serve on the Director of Public Prosecutions an application for an extension of time within which to apply for leave to appeal against sentence.**
- 2. The applications for an extension of time and for leave to appeal are adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 20<sup>th</sup> February 2024.**
- 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 noted that the application for leave to appeal against conviction and sentence was out of time and there was no application for an extension of time to apply for leave to appeal.**

**Case Name:**

**Mikey Mills  
v  
Director of Public Prosecutions**

**[NEVHCRA2023/0001]  
(Saint Kitts and Nevis)**

**Date:**

**Tuesday, 23<sup>rd</sup> January 2024**

**Appearances:**

**Applicant:** In person  
**Respondent:** No appearance

**Issues:** Application for leave to appeal against sentence

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

1. The Registrar shall provide to this Court an affidavit evidencing service of the applicant's notice of application and the authorization code generated by the ECSC's E-Litigation Portal within 14 days of the date of this order.
2. The application for leave to appeal against sentence is adjourned to the next Chamber Hearing of the Court scheduled for 20<sup>th</sup> February 2024.
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 that there was no compliance with the order of the Court dated 19<sup>th</sup> December 2023 directing the Registrar to serve on the respondent the notice of application and the authorization code generated by the ECSC's E-Litigation Portal within 14 days of the date of the order.

**Case Name:** Patrice Monzack  
v  
Director of Public Prosecutions

[NEVHCRA2023/0002]  
(Saint Kitts and Nevis)

**Date:** Tuesday, 23<sup>rd</sup> January 2024

**Appearances:**

**Applicant:** In person  
**Respondents:** No appearance

**Issues:** Application for leave to appeal against sentence

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

1. The Registrar shall provide to this Court an affidavit evidencing service of the applicant's notice of application and the authorization code generated by the ECSC's E-Litigation Portal within 14 days of the date of this order.
2. The application for leave to appeal against sentence is adjourned to the next Chamber Hearing of the Court scheduled for 20<sup>th</sup> February 2024.
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 that there was no compliance with the order of the Court dated 19<sup>th</sup> December 2023 directing the Registrar to serve on the respondent the notice of application and the authorization code generated by the ECSC's E-Litigation Portal within 14 days of the date of the order.

**Case Name:** Devorn Charles  
v  
The King

[SVGHCRAP2023/0024]  
(Saint Vincent and the Grenadines)

**Date:** Tuesday, 23<sup>rd</sup> January 2024

**Appearances:**

|                    |                  |
|--------------------|------------------|
| <b>Applicant:</b>  | Mr. Duane Daniel |
| <b>Respondent:</b> | No appearance    |

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

**Result /  
Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The notice of application for leave to appeal against conviction and sentence is granted.**
- 2. The notice of application filed on 8th November 2023 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 was of the view that the applicant should be granted leave to appeal against his conviction and sentence.**