

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

22nd October 2024

MATTERS DEALT WITH ON PAPER

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

Case Name: Wilber Oliveros
v
The State

[DOMMCRAP2024/0005]
(Dominica)

Date: Tuesday, 22nd October 2024

On paper:

Applicant: Mr. Wayne Norde

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to appeal filed on 25th June 2024 is granted.
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of

Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: The Court considered that in all the circumstances of the case and in the interest of justice, the applicant should be granted an extension of time to file his notice of appeal.

Case Name: Jose-Del Carmen Serrada Cassero
v
The State
[DOMMCRAP2024/0004]
(Dominica)

Date: Tuesday, 22nd October 2024

Appearances:
Applicant: Mr. Wayne Norde
Respondent: The Director of Public Prosecutions

Issues: Application for extension of time to file of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to appeal filed on 25th June 2024 is granted.
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: The Court considered that in all the circumstances of the case and in the interest of justice, the applicant should be granted an extension of time to file his notice of appeal.

Case Name: **Yofran Alexander Martinez Martinez**
v
The State

[DOMMCRAP2024/0006]
(Dominica)

Date: **Tuesday, 22nd October 2024**

Appearances:

Applicant: **Mr. Wayne Norde**

Respondents: **The Director of Public Prosecutions**

Issues: **Application for extension of time to file notice of appeal**

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

1. The application for an extension of time to appeal filed on 25th June 2024 is granted.
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: **The Court considered that in all the circumstances of the case and in the interest of justice, the applicant should be granted an extension of time to file his notice of appeal.**

Case Name: **Mervin Marcellin**
v
The Police

[DOMMCRAP2023/0002]
(Dominica)

Date: Tuesday, 22nd October 2024

Appearances:

Applicant:	In person
Respondent:	No appearance

Issues: Application for leave to appeal against conviction and sentence

Result / Order: IT IS HEREBY ORDERED:

1. The hearing of the application for leave to appeal against conviction and sentence filed on 17th May 2023 is adjourned to the next chamber hearing on 19th November 2024, to facilitate proof of service on the respondent of the application for leave to appeal.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent within 7 days of the date of this order and shall provide proof of service thereof.

Reason: There was no proof of service of the application for leave to appeal on the respondent.

Emerson Ricardo Machado Campos

v

The State

[DOMMCRAP2024/0003]
(Dominica)

Case Name:

Date: Tuesday, 22nd October 2024

Appearances:

Applicant:	Mr. Wayne Norde
Respondent:	The Director of Public Prosecutions

Issues: Extension of time to file notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to appeal filed on 25th June 2024 is granted.
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason:

The Court considered that in all the circumstances of the case and in the interest of justice, the applicant should be granted an extension of time to file his notice of appeal.

Case Name:

**Luis Alfredo Machado Campos
v
The State**

**[DOMMCRAP2024/0007]
(Dominica)**

Date:

Tuesday, 22nd October 2024

Appearances:

Applicant: Mr. Wayne Norde

Respondent: The Director of Public Prosecutions

Issues:

Extension of time to file notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to appeal filed on 25th June 2024 is granted.
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order

Reason: The Court considered that in all the circumstances of the case and in the interest of justice, the applicant should be granted an extension of time to file his notice of appeal.

Case Name:

**1. Sun Systems Limited
2. Phillip David
3. Sonia David
v
1. Grenada Co-operative Bank Limited
2. Lewis & Renwick (A Firm)
3. Trevor St. Bernard
(Personal Representative of the Estate of Cosmo
St. Bernard, deceased)**

**[GDAHCVAP2024/0009]
(Grenada)**

Date: Tuesday, 22nd October 2024

Appearances:

Appellants: Mr. Benjamin Hood

Respondents: Ms. Hazel Hopkin-La Touche for the first respondent
Mr. Ian Sandy for the second and third respondents

Issues: Application for security for costs

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

1. The applications for security for costs filed by the respondents on 1st August 2024 and 30th August 2024 are refused.
2. The respondents shall pay costs on this application to the appellants to be assessed if not agreed within 21 days of today's date, (i.e. on or before 12th November 2024).

Reason: The Court considered the principles on which an application for security for costs should be granted as set

out in rule 62. 21(3) of Civil Procedure Rules (Revised Edition) 2023 and Keary Developments Ltd v Tarmac Construction Ltd and another [1995] 3 All ER 524 and was of the view that the evidence did not satisfy the requirements that the appellants were not likely to pay the costs of the appeal if ordered to do so.

Case Name: **Don Ismael**
v
The King
[SLUHCRA2021/0004]
(Saint Lucia)

Date: **Tuesday, 22nd October 2024**

Appearances:
Appellant: **Mr. David Francis**
Respondent: **The Office of Director of Public Prosecutions**

Issues: **Application for leave to appeal forma pauperis**

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

1. The appellant shall within 14 days of the date of this order file a certificate of counsel stating that the intended appeal has reasonable grounds of appeal.
2. The consideration of the application for leave to appeal in forma pauperis is adjourned to the next Chamber Hearing of this Court scheduled for 19th November 2024.

Reason: **The Court noted that a certificate of counsel that the appellant has reasonable grounds of appeal did not accompany the application and that no grounds of appeal were listed in the appellant's notice of appeal as required by rule 32 of the Court of Appeal Rules.**