

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
ANGUILLA
VIDEOCONFERENCE
Monday 18th November 2024

Case Name:

APPLICATION

- [1] Tomaž Slivnik**
 - [2] Satay Limited**
 - [3] Helen Bayer Constable**
 - [4] Patrick Constable**
 - [5] Walter Bayer II**
 - [6] Teresa Bayer**
 - [7] Sunny Days Management Corporation**
 - [8] Rhino LLC**
 - [9] Diamont Company N.V.**
 - [10] Synectics Capital Corp**
 - [11] Ihatsu Fudosan Capital Limited**
 - [12] Duna Holding Limited**
 - [13] Mars Exploration Inc.**
 - [14] Estate of David A. Crowley**
 - [15] Equipment Leasing Ltd**
 - [16] International Mortgages Limited**
 - [17] The Little Ship Company Ltd**
 - [18] Estate of Raymond Longbottom**
- v**

- [1] Martin Dinning (as Conservator)**
- [2] Hudson Carr (as Conservator)**
- [3] Shawn Williams (as Conservator)**
- [4] Robert Miller (as Conservator)**
- [5] Eastern Caribbean Central Bank**
- [6] Anguilla Financial Services Commission**
- [7] Attorney General of Anguilla**
- [8] Foreign, Commonwealth and Development
Office**
- [9] National Bank of Anguilla Limited (in
receivership)**

[10] Caribbean Commercial Bank Limited (in receivership)

[11] Gary Moving (as receiver of NBA and CCB)

[12] National Commercial Bank of Anguilla Limited

**[AXAHCVAP2023/0005]
(Anguilla)**

Date: **Monday, 18th November 2024**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Appellant: **In Person**

Respondents: **Ms. Navine Fleming for the 2nd, 3rd, 5th, 9th, 10th and 11th respondents**

**Ms. Yanique Stewart for the 6th respondent and
Mr. William Hare and Mr. Christopher Young for the
12th respondent**

**Ms. Suzy St Brice representative for the 2nd, 3rd, 5th,
9th, 10th and 11th respondents**

Mrs. Fiona Barnes for the 6th respondent

Issues: **Status of the matter**

Type of Order: **Oral decision**

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

The matter is listed for hearing at the next sitting of the Court of Appeal for the territory of Anguilla scheduled for the week commencing 5th May 2025.

Reason:

The respondent indicated that his application for leave to appeal to the JCPC was refused and that the Order sent by the JCPC contained an error. The appellant indicated that he was in the process of requesting that the order be corrected. In the light of the time taken to amend the Order as well as issues regarding the appellant's health, the Chief Registrar was minded to list the matter for hearing at the next sitting of the Court of Appeal for the territory of Anguilla.

HIGH COURT CIVIL APPEAL

Case Name:

Allin Durand

v

[1] Superintendent of Prisons
[2] Attorney General of Anguilla

[AXAHCVAP2022/0003]

Date:

Monday, 18th November 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In Person

Respondents:

Mr. Theon Tross

Issues:

Status of the matter

Type of Order:

Oral Decision

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The respondent shall inform the appellant of the documents they wish to have in accordance with Rule 62.15 (2) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 on or before the 22nd November 2024.
2. The appellant shall file and serve the record of appeal on or before the 17th January 2025.
3. The appellant is at liberty to file and serve written submissions with authorities on or before 17th February 2025.
4. The respondent shall file and serve written submissions with authorities on or before 17th March 2025.
5. The appellant is at liberty to file written submissions in reply on or before the 1st April 2025.
6. This appeal will be listed for hearing at the Court of Appeal sitting for the territory of the Virgin Islands on a date to be fixed by the Chief Registrar.
7. 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 Court noted that the appellant had not gained legal representation since the order of the Court at the last status hearing dated 10th April 2024 directing him to do so. The appellant requested more time to retain legal counsel but the Crown objects to the request for an adjournment to allow him to do so. The Court also noted that the record of appeal had not been filed. In the circumstances the Court was minded to order that the matter be listed for hearing at a Court of Appeal sitting for the territory of The Virgin Islands on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

MAGISTERIAL CIVIL APPEAL

Case Name:

Cassandra Mitchell

v

Margaret Lerlin Charles

[GDAMCVAP2023/0001]

Date: **Monday, 18th November 2024**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Appellant: **In Person**

Respondents: **Mr. Ruggles Ferguson, KC with him Ms. Danyish Harford**

Issues: **Status of the matter**

Type of Order: **Oral Decision**

Result / Order: **[Oral Delivery]**

IT IS HEREBY ORDERED THAT:

- 1. The parties are allowed to engage in mediation in this matter in an attempt to resolve the issues in relation to the appeal.**
- 2. The parties shall agree to a mediator from the roster of mediators from the Eastern Caribbean Supreme Court and shall inform the Court of the name of the mediator selected on or before the 25th November 2024.**
- 3. The matter is adjourned to the next status hearing of the court of appeal of Grenada scheduled for the 20th January 2025 for report.**
- 4. The Registrar of the High Court is directed to serve a copy of this order on the appellant to provide proof of service thereafter.**

Reason: **The Court was minded to adjourn the matter to the next sitting of the Court for Grenada and to allow the parties to resolve the matter via mediation in the interim.**

HIGH COURT CRIMINAL APPEALS
AGAINST CONVICTION

Case Name:

Salim Akil Richardson

v

The King

[AXAHCRA2022/0002]

Date:

18th November 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Darshan Ramdhani, KC with him Mr. Carlyle Rogers

Respondents:

Mr. Theon Tross

Issues:

Status of the matter

Type of Order:

Oral Decision

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 18th February 2025.
2. The respondent shall file and serve written submissions with authorities on or before 18th March 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 8th April 2025.
4. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of Anguilla, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason:

The Court noted the Order dated 22nd October 2024 granting permission to amend the grounds of appeal in the notice of appeal and that the amended notice of appeal was filed on 25th October 2024. The Court was therefore minded to give directions for the filing of written submissions with authorities.

Case Name:

Shaquille O'Neil Gumbs

v

The King

[AXAHCRA2022/0001]

Date:

Monday, 18th November 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Carlyle Rogers

Respondents:

Mr. Theon Tross

Issues:

Status of the matter

Type of Order:

Oral Decision

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 25th February 2025.**
- 2. The respondent shall file and serve written submissions with authorities on or before 25th March 2025.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 22nd April 2025.**
- 4. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of Anguilla, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**

Reason:

The Court noted the Order of Price-Findlay JA dated 22nd October 2024 granting permission to amend the notice of appeal within 14 days and that the amended notice of appeal was filed on 25th October 2024. The Court was therefore minded to give directions for the filing of written submissions with authorities.

Case Name:

Trevon Belle

v

The Commissioner of Police

[AXAMCRAP2022/0001]

Date:

Monday, 18th November 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. D. Michael Bourne

Respondents:

Mr. Theon Tross

Issues:

Status of the matter

Type of Order:

Oral Decision

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court of appeal for the Territory of Anguilla scheduled for 28th April 2025 to allow the appellant to make an application to amend the grounds of appeal.

Reason:

The appellant requested leave to make an application to amend the grounds of appeal, undertaking to have the amended notice of application filed by 29th November 2024.