

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

18th February 2025

MATTERS DEALT WITH ON PAPER

Before:

The Hon. Mr. Eddy Ventose, Justice of Appeal

Case Name:

Karl Warner

v

The King

**[ANUHCRA2024/0011]
Antigua and Barbuda**

Date:

Tuesday, 18th February 2025

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

**Application for leave to appeal – Application for
waiver of the transcript fees**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall cause copies of the application for leave to appeal and waiver of transcript fees to be served on the respondent within 14 days of the date of this order and provide proof of service thereafter.**

2. The applications for leave to appeal against conviction and sentence and waiver of transcript fees are adjourned for further consideration to the next chamber sitting of the Court of Appeal scheduled for 18th March 2025.
3. The Registrar of the High Court shall cause a copy of this order to be served on the applicant and the respondent within 7 days of the date of this order.

Reason:

The Court noted that there was no evidence of service of the applications for leave to appeal and for a waiver of transcript fees on the respondent.

Case Name:

The Attorney General

v

Alpha David Alexander

[DOMHCVAP2024/0012]

Dominica

Date:

Tuesday, 18th February 2025

On paper:

Applicant: Ms. Vanica Sobers- Joseph and Mr. Jason Lawrence

Respondent: No appearance

Issues:

Application for stay pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The notice of application filed on 20th June 2024 seeking a stay of paragraph 65 of the order as contained in the judgment of Josiah - Graham J made on 9th May 2024 pending the determination of the appeal is granted.

Reason:

The Court considered the principles for the grant of a stay and was of the view that in all the circumstances of the case justice required that a stay pending the determination of the appeal be granted, in particular considering that there was a great prejudice to the applicant/intended appellant if a stay was not granted while the prejudice to the respondent was minimal and the appeal will be rendered nugatory if a stay was not granted.

Case Name:

**Athene Shillingford
(as the personal representative of the estate
of Idiline John)**

v

**[1] Infrastructure Services Ltd, A
Firm**

**[2] Attorney General of the
Commonwealth of Dominica**

**[DOMHCVAP2024/0027]
Dominica**

Date:

Tuesday, 18th February 2025

On paper:

Applicant: Ms. Cara Shillingford

Respondent: No appearance

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave to appeal the judgment of Jawara-Alami J dated 4th December 2024 is set down for hearing before the Full Court at a date to be fixed by the Chief Registrar.

Reason:

The Court being cognizant of rule 62.2(7) of the Civil Procedure Rules (Revised Edition) 2023 directed that the matter be set down for an oral hearing before the Full Court.

Case Name:

[1] Eva Kachelriess-Aban

[2] William Aban

[3] Palm Trees IMO Ltd

v

[1] Hans Paulig

[2] Marlen Paulig

[GDAHCVAP2021/0027]

Grenada

Date:

Tuesday, 18th February 2025

On paper:

Respondents/
Appellants:

No appearance

Applicants/
Respondents:

Ms. Caryn Adams

Issues:

Application for appointment of a personal

representative

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The respondent is at liberty to file submissions in response on or before 27th February 2025.**
- 2. The application for the appointment of a personal representative is adjourned to the next chamber sitting of this Court scheduled for 18th March 2025.**
- 3. The notice of application for an extension of time to file submissions shall be considered together with the application for the appointment of a personal representative at the next chamber sitting of this Court scheduled for 18th March 2025.**

Reason:

The Court noted that an extension of time application had been filed which was not before the Court and was only served recently which would not have allowed the respondents/appellants sufficient time to respond. The Court therefore was of the view that the matter should be adjourned to allow for the procedural and administrative issues to be regularized.

Case Name:

Andre West

v

Commissioner of Police

**[MNIMCRAP2023/0002]
Montserrat**

Date:

Tuesday, 18th February 2025

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

**Application for an extension of time to appeal
against conviction**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time filed
on 30th December 2024 to file the notice of
appeal against conviction is granted.**
- 2. The notice of appeal filed on 30th December
2024 is deemed properly filed.**
- 3. The appeal shall proceed in accordance with
the Magistrate's Court Act of Montserrat, the
Criminal Procedure Code of Montserrat and
other relevant legislation.**

Reason:

**The Court was of the view that the applicant had
met the threshold for the grant of an extension of
time. The Court was satisfied that the reasons for
the delay were good, that the delay was not
inordinate and that the applicant had a realistic
prospect of success.**

Case Name:

**[1] Digital Security Services
[2] Michael Peets**

V

**Nevis International Bank and Trust Limited
(formerly Hamilton Reserve Bank Limited)**

**[NEVHCVAP2024/0020]
Saint Christopher and Nevis**

Date: **Tuesday, 18th February 2025**

On paper:

Applicants: **Ms. Maria Angela Cozier**

Respondent: **No appearance**

Issues: **Application for leave to appeal**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal the decision of Thompson J. dated 18th November 2024 is granted.**
- 2. The applicant shall file and serve its notice of appeal within 21days of the date of this order.**
- 3. The appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

Upon considering rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023, the Court was of the view that the applicant had met the threshold for the grant of leave to appeal.

Case Name:

Abkim Bryan

v

Director of Public Prosecutions

**[SKBHCRAP2024/0001]
Saint Christopher and Nevis**

Date: **Tuesday, 18th February 2025**

Applicant:	In person
Respondent:	No appearance

Issues:

Application for legal aid

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file with the Court affidavit evidence of his financial means within 14 days of the date of this order.**
- 2. The legal aid application is adjourned to the next Chamber Hearing of the Court scheduled for 18th March 2025 for consideration.**
- 3. The Registrar of the High Court shall serve a copy of this order on the appellant within 7 days of the date of this order and provide this Court with proof of service thereof.**

Reason:

The Court noted the previous order of the Court directing the applicant to provide the Court with affidavit evidence of his financial means, however the Court also noted the late service of the said order and reasoned that it was highly unlikely that the applicant would have had sufficient time to comply with the order in time for the date of the February chamber hearing.