

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
VIDEOCONFERENCE
MONTSERRAT
20th November 2024

Case Name: [1] Kenneth Krys

[2] Greg Mitchell
(Joint Liquidators)

v

[1] Financial Services Commissioner

[2] The Government of Montserrat

[MNIHCVAP2020/0020]
(Montserrat)

Date: Wednesday, 20th November 2024

Coram: Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellants: Ms. Anna-Kay Brown

Respondents: Ms. Renee Morgan

Issues: Status of the matter

Type of Order: Adjournment

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellants shall take the necessary steps to finalise the transcript of proceedings and obtain the necessary documents to be included in the record of appeal.
2. The matter is adjourned to the next status hearing for the Territory of Montserrat scheduled for 30th April 2025.

Reason:

The Court noted that Ms. Morgan wrote to the appellant's counsel on 19th April 2024 highlighting what, in her view, were gaps in the transcript of proceedings. The appellants are yet to request the audio recording so that they can confirm whether they agree with Ms. Morgan's observations. The Court also noted the appellants' indication that they were facing issues with obtaining documents from the High Court so as to complete the record. In the circumstances, the Court decided to grant an adjournment to allow the parties the time to rectify the gaps in the transcript and finalise the record of appeal.

Case Name:

Mary Casarin

v

**Maureen Dyett
(The Sole Executrix of the Late Mary Chapman)**

**[MNIHCVAP2022/0004]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: Dr. David Dorsett

Respondent: No appearance

Issues:

Status of the matter

Type of Order:

N/A

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The matter is removed from the cause list pending the appointment of a representative for the deceased appellant's estate or until relisted by the Chief Registrar for a status update, whichever is sooner.**
- 2. The Registrar of the High Court shall serve a copy of this order on the respondent, personally, and shall provide proof of service thereafter.**

Reason: The Court noted that the appellant died over the Court's long vacation this year and there was no subsequent application made to appoint a representative of the deceased's estate, nor was there an application to administer her estate. Consequently, until the necessary steps could be made for the appointment of a representative of the deceased's estate in the proceedings, the Court decided to delist the matter.

Case Name: [1] Human Resources Management Unit

[2] Office of the Deputy Governor

[3] Attorney General

v

Raymond Cabey

[MNIHCVAP2023/0005]
(Montserrat)

Date: Wednesday, 20th November 2024

Coram: Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellants: Ms. Cedricia Shiell

Respondent: In person

Issues: **Status of the matter**

Type of Order: **Adjournment**

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

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 30th April 2025 to allow the respondent an 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: The Court noted that the respondent required time to obtain legal representation, and the appellant, as well, needed time to make the necessary filings, in particular, the filing of the record of appeal. Consequently, the Court adjourned the matter.

Case Name: **John Allen**

v

The King

**[MNIHCRAP2021/0003]
(Montserrat)**

Date: **Wednesday, 20th November 2024**

Coram: **Ms. Danielia Chambers, Deputy Chief Registrar**

Appearances:

Appellant: **In person**

Respondent: **Mr. Oris Sullivan, Director of Public Prosecutions**

Issues: **Status of the matter**

Type of Order: **Adjournment**

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

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 30th April 2025 to allow the appellant's legal aid representation to be finalised.**
- 2. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.**

Reason: **The Court decided to adjourn the matter upon noting that the appellant's legal aid representation has not yet been finalised.**

Case Name: **Khadije Irish**

v

The King

**[MNIHCRAP2022/0005]
(Montserrat)**

Date: **Wednesday, 20th November 2024**

Coram: **Ms. Danielia Chambers, Deputy Chief Registrar**

Appearances:

Appellant: **In person**

Respondent: **Mr. Oris Sullivan, Director of Public Prosecutions**

Issues: **Status of the matter**

Type of Order: **Adjournment**

Result/Order: [Oral Delivery]

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 30th April 2025.
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 Court noted the appellant's indication that he made a request for legal aid from the Attorney General's Chambers on 22nd October 2024. The Court also noted that the record of appeal was filed on 19th May 2023, however, no submissions have been filed to date. Accordingly, the Court decided it would be best to adjourn the matter to allow the parties to take the necessary steps to progress the appeal.

Case Name: Leron Brade

v

The King

**[MNIHCRAP2022/0001]
(Montserrat)**

Date: Wednesday, 20th November 2024

Coram: Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve written submissions with authorities on or before 15th January 2025.
2. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 15th February 2025.
3. The appeal is provisionally listed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 5th May 2025.
4. The Registrar of the High Court shall serve this order on the appellant personally and provide proof of service thereafter.

Reason:

The Court noted that the record of appeal was filed on 11th April 2023 and the appellant was duly served. The Court also noted that the appellant filed skeleton submission on 4th April 2023. Accordingly, the Court made the necessary directions for the filing of further submissions and provisionally listed the appeal for hearing.

Case Name:

Maurice Hunte

v

The Crown

**[MNIHCRAP2023/0002]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

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 Montserrat scheduled for 30th April 2025.

Reason: The Court noted that the record of appeal was not yet available and that the tentative date for its availability was the ending of December 2024. The Court accordingly decided to adjourn the matter.

Case Name: Oswald Murrain

v

The King

[MNIHCRAP2023/0001]
(Montserrat)

Date: Wednesday, 20th November 2024

Coram: Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: In Person

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondent shall file and serve written submissions with authorities on or before 31st January 2025**
- 2. The appeal is provisionally listed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 5th May 2025**
- 3. The Registrar of the High Court shall serve a copy of this order on the appellant personally and provide proof of service thereafter.**

Reason:

The Court noted that the record of appeal was filed on 15th August 2023 and the parties were duly served. However, no submissions have been filed in the matter. The appellant indicated that he intends to represent himself in the appeal and does not intend to file written submissions. Accordingly, the Court gave directions for the filing of submissions by the respondent and provisionally listed the matter for hearing before the Full Court.

Case Name:

Catherine Tuitt

v

The Director of Public Prosecutions

**[MNIMCRAP2018/0001]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: Mr. Sylvester Carrott

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issues:

Status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 15th January 2025.**
- 2. The respondent shall file and serve supplemental submissions with authorities on or before 29th January 2025.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 15th February 2025.**
- 4. The appeal is provisionally listed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 5th May 2025.**

Reason:

The Court noted that the record of appeal was filed and all parties were duly served. The respondent has also filed written submissions. The Court noted that Mr. Carrot was recently retained in the matter as Counsel for the appellant, however, was prepared to have the matter progress at the next sitting of the Full Court for Montserrat. Accordingly, the Court made the necessary directions for the filing of written submissions and provisionally listed the matter for hearing.

Case Name:

Andre West

v

Commissioner of Police

**[MNIMCRAP2023/0002]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 15th January 2025.
2. The respondent shall file and serve written submissions with authorities on or before 14th February 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 3rd March 2025.
4. The appeal is provisionally listed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 5th May 2025.
5. The Registrar of the High Court shall serve a copy of this order on the appellant personally and provide proof of service thereafter.

Reason: The Court noted that the record of appeal was filed on 18th October 2024. The Court also noted Mr. West's indication that Mr. Wendel Alexander was his attorney, however he was absent. The Court decided that the next step in the matter was to make the necessary directions for the filing of written submissions and to provisionally list the matter for hearing.

Case Name: Penelope Beadle

v

James Henry Lee

**[MNIMCVAP2020/0001]
(Montserrat)**

Date: Wednesday, 20th November 2024

Coram: Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: Status of the matter

Type of Order: Adjournment

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant was not served to be present, the matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 30th April 2025 to allow the appellant to be present to indicate whether she is still interested in prosecuting her 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 there was no proof that the appellant was served with the certificate of status hearing dated 10th April 2024, and there was no affidavit of non-service filed as well. The Court also noted that the parties were not served to be present at the present status hearing. Accordingly, the Court adjourned the matter.

Case Name: Sylvester Solomon

v

Cassandra Weekes

**[MNIMCVAP2016/0002]
(Montserrat)**

Date: Wednesday, 20th November 2024

Coram: Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Status of the matter

Issues:

Type of Order: Adjournment

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Upon noting the parties were not served to be present, the matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 30th April 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 both the appellant and respondent left the island of Montserrat and that they were not served to be present at the status hearing. Accordingly, the Court adjourned the matter to the next status hearing to allow the appellant to be present to indicate whether he was still interested in prosecuting the appeal.

Case Name:

Heskeith Raymond

v

Ann Bynoe

**[MNIMCVAP2022/0001]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Chivone Gerald

Issues:

Status of the matter

Type of Order:

Adjournment

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 Montserrat scheduled for 30th April 2025.

Reason:

The Court noted Ms. Silcott's (counsel who was on record for the appellant) email that she was not able to attend the status hearing as she was out of state at an appointment. The Court also noted that the parties were still awaiting the audio for the transcript. Counsel for the respondent indicated that she was unaware of any missing information in the transcript and counsel for the appellant had not communicated that information to her. Accordingly, the Court decided it was best to adjourn the matter to allow the parties to rectify these issues.

Case Name:

Tajrae Thomas

v

[1] Attorney General

[2] Chief Immigration Officer

**[MNIMCVAP2024/0003]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: Mr. George Kirnon

**Respondents: Ms. Cedricia Shiell for the First Respondent
Mr. Oris Sullivan, Director of Public Prosecutions, for the
Second Respondent**

Issues:

Status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 15th December 2024.**
- 2. The respondents shall file and serve written submissions with authorities, if necessary, on or before 31st January 2025.**

3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 17th February 2025.
4. The appeal is provisionally listed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 5th May 2025.

Reason: The Court noted that the record of appeal was filed on 5th September 2024 and service was effected on the ELP. However, Mr. Kirnon is yet to provide the DPP with the authorisation code for the second respondent's access. Based on the parties' indication of their readiness to proceed, the Court decided gave directions for the filing of written submissions and provisional listing the matter for hearing before the Full Court.

Case Name: **Randel Diamond**

v

Ashaya Brown

**[MNIMCVAP2023/0003]
(Montserrat)**

Date: **Wednesday, 20th November 2024**

Coram: **Ms. Danielia Chambers, Deputy Chief Registrar**

Appearances:

Appellant: **No appearance**

Respondent: **In person**

Issues: **Status of the matter**

Type of Order: **Adjournment**

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The Chief Magistrate shall cause a copy of the record of appeal to be prepared, filed and served on the parties on or before 31st January 2025, failing which an affidavit containing the reasons for non-compliance shall be filed.**
- 2. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 30th April 2025.**
- 3. The Registrar of the High Court shall serve a copy of this order on the parties and provide proof of service thereafter.**

Reason:

The Court noted that the record of appeal was not yet available and the Magistrate's Court was unable to give a date as to when it would be made available. The Court also noted the affidavit of non-service filed on 6th November 2024 which indicated that the appellant was unable to be served with the notice of status hearing as he left the island on 22nd November 2023. The Court decided that the best course of action was to adjourn the matter with directions that the Chief Magistrate produce a copy of the record of appeal by the specified date.

Case Name:

Golden Years Home for the Elderly

v

Ingrid Branford Hughes

**[MNIMCVAP2024/0001]
(Montserrat)**

Date:

Wednesday, 20th November 2024

Coram:

Ms. Danielia Chambers, Deputy Chief Registrar

Appearances:

Appellant: Mr. Jean Kelsick

Respondent: Dr. David Dorsett

Issues: Status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The respondent shall inform the appellant of the documents that they wish to have included in the record of appeal or core bundle on or before 29th November 2024.
2. The appellant shall prepare and file the record of appeal on or before 7th January 2025.
3. The appellant shall file and serve written submissions with authorities on or before 28th February 2025.
4. The respondent shall file and serve written submissions with authorities on or before 31st March 2025.
5. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 15th April 2025.
6. The appeal is provisionally listed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 5th May 2025.

Reason: The Court noted that whereas several documents were individually uploaded on the E-Litigation Portal as “record of appeal” on 28th October 2024, there was not a properly constituted bundle of documents. Counsel for the appellant also indicated that he intends to file a properly constituted record of appeal and progress the appeal accordingly. Accordingly, the Court gave the necessary directions.