

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL

STATUS HEARING

**VIDEOCONFERENCE
SAINT LUCIA
MONDAY, 24TH JUNE 2024**

Case Name: **Bamboo Springs Bottled Water Limited**

v

The Bank of Nova Scotia

[SLUHCMAP2022/0003]

Date: **Monday, 24th June 2024**

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

Appearances:

Appellant: **Mr. Martin Martin**

Respondent: **Mr. Deale Lee**

Issue: **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 status hearing list pending the filing of a notice of acting of a legal practitioner for the appellant.**
- 2. Costs of today's hearing awarded to the respondent in the sum of \$750.00 to be paid by the appellant on or before 16th July 2024.**
- 3. The Registrar of the High Court shall serve a copy of the order on the appellant and shall provide proof of service thereafter.**

Reason:

The Court noted that on the last occasion the appellant was advised that there would be one final adjournment to allow him to obtain legal representation. The appellant informed the Court that he still had not acquired legal representation owing to his financial constraints. The Court emphasised the importance of the appellant acquiring counsel given the nature of the matter. The Court was of the view that the best course of action was to delist the matter until the appellant took the necessary steps to acquire legal representation. In addition, the Court agreed with the respondent, that in the circumstances, a costs order against the appellant was appropriate.

Case Name:

Lazarus Paul

v

[1] Rachel Willie-Trotman

[3] Douglas Trotman

**[3] Teferi Trotman minor acting herein and
represented by his mother Raquel Willie-
Trotman**

[SLUHCVAP2017/0049]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Ms. Wauneen-Louis Harris

Issue: 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 state of Saint Lucia scheduled for 9th October 2024, unless a consent order is sooner filed.

Reason: The Court noted that the parties have been able to agree in principle with a final way to resolve all outstanding matters. Ms. Harris informed the Court that the next step was to present a consent order for the Court's approval.

Case Name: Ruth Narcisse

V

Rasheiki Adolph
[SLUHCVAP2017/0004]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	No appearance

Issue: 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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to indicate whether she is still interested in prosecuting the appeal.

Reason: The Court noted that neither of the parties were present. Additionally, the Court was informed that the appellant had migrated and attempts to contact her have been unsuccessful. In the circumstances, the Court decided to adjourn the matter to allow the appellant to indicate whether she still desired to pursue her appeal.

Case Name: John D'Auvergne

V

Kareem Edwin

[SLUHCVAP2020/0026]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	No appearance

Issue: 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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to indicate whether he is still interested in prosecuting the 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 the notice of appeal had been filed on 9th November 2020 and the receipt for the transcript of proceedings was issued on 25th March 2021. However, to date, no record of appeal

has been filed and neither of the parties were present at this first Status Hearing, to inform the Court as to the progress of the matter. The Court accordingly adjourned the matter to the next Status Hearing to allow the appellant the opportunity to indicate whether he was still interested in pursuing his appeal.

Case Name:

Anthony Edwin

v

Cox and Company

[SLUHCVAP2021/0002]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. Anwar Brice

Issue:

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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to provide proof of service of the Notice of Appeal and the authorisation code on the respondent.**

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 that the Notice of Appeal was filed on 8th February 2021 and that the transcript was uplifted on 26th March 2021. Despite the assertions of the appellant that service was duly effected, the Court noted that there was no filed affidavit of service evidencing that the Notice of Appeal had been served on the respondent. Also, the record of appeal had not been filed. Counsel for the respondent also indicated that the first and only occasion on which he received notice for this matter was when the Status Hearing notice was served upon him. Consequently, he served a notice of acting so as to properly appear for his client, being unaware as to the nature of the appeal. Accordingly, the Court decided to adjourn the matter to allow the appellant to provide proof of service.

Case Name:

Romauld Harte

v

Perry Longville

[SLUMCVAP2018/0001]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Mr. Al C. Elliot

Issue:

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 state of Saint Lucia scheduled for 9th October 2024, unless a consent order is sooner filed.**
- 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:

Counsel for the respondent indicated that the matter had been settled and that the respondent had fulfilled his obligations based on the parties' agreement. Counsel indicated that the appellant's counsel would have filed a consent order with the Court. However, the Court noted that there was no consent order filed. Counsel indicated that he would endeavor to have a consent order drafted, signed and filed. Accordingly, the Court adjourned the matter so as to facilitate the filing of a consent order.

Case Name:

Hollinda Allen Arthur

v

Raymond Volney

[SLUMCVAP2018/0002]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issue: Status of the matter

Type of Order: Adjournment

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Upon noting that the parties have not been served with notice of today's hearing, the matter is adjourned to the next status hearing of the Court of Appeal for the state Saint Lucia scheduled for 9th October 2024, to allow the appellant to be present to indicate whether she is still interested in prosecuting the 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 the affidavit of non-service filed by the bailiff on 18th June 2024 indicating that both parties could not be located for service.

Case Name: Rock Jean

V

**Saint Lucia Civil Service Credit Union
Limited**

[SLUMCVAP2019/0002]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Ms. Tianah Foster

Issue: Status of the matter

Type of Order: Directions

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the Record of Appeal from the Magistrate's Court on the appellant on or before 26th June 2024.
2. The parties shall review the supplemental Record of Appeal and shall inform the Court of any deficiencies which may exist on or before 5th July 2024.
3. The matter is adjourned to the next status hearing of the Court of Appeal for the state of Saint Lucia scheduled for 9th October 2024.

4. 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 updated Record of Appeal was uploaded on the electronic litigation portal on Friday 21st June 2024 after 4 pm, but it had not been served on the appellant. The parties were however not in a position to indicate to the Court whether the deficiencies in the Record had been remedied. The Court accordingly made directions that the parties review the supplemental documents to ensure that it is adequate so that the matter can progress expeditiously.

Case Name:

Samuel Clairmont

v

The King

[SLUHCRA2020/0005]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Kelly Thomson

Issue:

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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to be present with his legal counsel.**
- 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 that Ms. Nicholas had filed a notice of withdrawal of attorney on 21st June 2024. The appellant stated that he had a new lawyer, however the Court noted that no new lawyer was on record for him. Accordingly, the Court adjourned the matter so as to allow the appellant to have his lawyer present at the next Status Hearing to make representations on his behalf.

Case Name:

Sherrington Burnie Preville

v

The King

[SLUHCRA2019/0001]

Date:

Monday 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Kelly Thomson

Issue:

Status of the matter

Type of Order:

Directions

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. Upon noting the indication from the appellant that he no longer wishes to prosecute the appeal, the appellant shall take the necessary steps to file a Notice of Abandonment in accordance with section 59(1) of the Court of Appeal Rules 1968.**
- 2. If paragraph 1 of the order is not complied with, the matter shall be listed for the next status hearing of the Court of Appeal for the state of Saint Lucia scheduled for 9th October 2024.**

Reason:

The appellant indicated that he was no longer interested in prosecuting his appeal. The Court noted however that the required Form 15 had not been filed which would indicate on record that the appeal had been abandoned. Accordingly, the Court directed that the appellant take the necessary steps to file a Notice of Abandonment failing which the matter would be listed again for Status Hearing so that the Court can determine the best way forward.

Case Name:

Don Ismael

v

The King

[SLUHCRA2021/0004]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. David Francis
Respondent:	Ms. Kelly Thomson

Issue: 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 state of Saint Lucia scheduled for 9th October 2024, to allow counsel for the appellant to make the necessary application to waive the fees for the transcript of proceedings.

Reason: The Court noted that the notice of availability of transcript was issued since February 2022. Counsel for the appellant indicated that owing to the financial constraints of the appellant, the transcript had not been uplifted, and that he intended to make an application to waive transcript fees in short order. Counsel requested an adjournment which the Court facilitated to allow him to make the necessary application.

Case Name:

Leroyson Gilbert

v

The King

[SLUHCRAP2021/0005]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Alberton Richelieu

Respondent:

Ms. Kelly Thomson

Issue:

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 state of Saint Lucia scheduled for 9th October 2024, to allow counsel for the appellant to make the necessary application for a waiver of the fees for the transcript of proceedings and to review the matter accordingly.

Reason: The Court noted that on the last occasion counsel for the appellant requested an adjournment to file an application for a waiver of transcript fees. However, this still had not been done. Counsel also raised certain concerns with the nature and description of the offence as set out in the Notice of Appeal. The Court took note of counsel for the appellant's concerns as well as the non-objection from counsel for the respondent, and accordingly, granted an adjournment.

Case Name: **Jeromine Jones**
v
Director of Public Prosecutions
[SLUHCRA2021/0001]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Alberton Richelieu
Respondent: Ms. Kelly Thomson

Issue: 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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to make the necessary applications in relation to the matter to be appointed a state attorney and to waive the fees of the transcript.

Reason:

Mr. Richelieu stated that he required an adjournment so as to take the necessary steps to regularise his status as counsel for the appellant as well as, make an application to waive the transcript fees. The Court in noting these contentions as well as the non-objection from counsel for the respondent accordingly granted the adjournment for that purpose.

Case Name:

Kurtly Garvey Cadette

v

The King

[SLUHCRA2023/0001]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Al C. Elliot

Respondent:

Ms. Kelly Thomson

Issue:

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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to take the necessary steps to amend the notice of appeal and progress the matter further.

Reason: Counsel for the appellant indicated that he would require leave to amend the Notice of Appeal. The Court in noting the contentions of counsel for the appellant as well as the non-objection of counsel for the respondent, granted an adjournment so as to allow counsel for the appellant to take the necessary steps to amend the Notice of Appeal.

Case Name: Kirby Lima

v

The King

[SLUHCRA2022/0007]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: In person

Respondent: Ms. Kelly Thomson

Issue:

Status of the matter

Type of Order:

Directions

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 9th August 2024.**
- 2. The respondent shall file and serve written submissions with authorities on or before 10th September 2024.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 25th September 2024.**
- 4. The appeal will be listed for hearing at a Court of Appeal sitting for the State of Saint Lucia, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**
- 5. 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 Mr. Michel-Walters was assigned as counsel for the appellant by the State on 29th December 2023. The Court also noted that Record of Appeal was filed and the matter was ready for directions on the filing of written submissions.

Case Name:

Jabez Frederick

v

PC 600 St. Aimee

[SLUMCRAP2014/0015]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant:

No appearance

Respondent:

Ms. Kelly Thomson

Issue:

Status of the matter

Type of Order:

Adjournment

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The Senior Magistrate shall continue efforts to cause the Record of Appeal to be prepared and served on the parties on or before 2nd September 2024.**
- 2. The matter is adjourned to the next Status Hearing of the Court of Appeal in Saint Lucia scheduled for 9th October 2024.**
- 3. 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 noted that the appellant was duly served with the certificate of result of the last Status Hearing dated 4th March 2024 and the notice of the present Status Hearing. He again failed to appear. The Court also noted that the Record of Appeal was still outstanding in the matter. Accordingly, the Court decided to adjourn the matter to allow the Magistrate's Court the opportunity to continue efforts to produce the Record of Appeal and serve it on the parties by specified date.

Case Name: Lon Octave

v

WPC 816 Mangal

[SLUMCRAP2018/0004]

[SLUMCRAP2018/0005]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant: In person

Respondent: Ms. Kelly Thomson

Issue: 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 state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to settle his legal representation.
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 appellant indicated that he had obtained new legal representation, that being, Ms. Jadia Jn Pierre, and that he had paid the required retainer fee. However, the Court noted that there was no counsel on record for the appellant and imperatively that the matter had remained stagnant for some time owing to the appellant's failure to obtain counsel. The Court accordingly adjourned the matter, urging the appellant to make every effort to obtain legal representation so that the matter could proceed expeditiously.

Case Name:

Ernest George

v

PC 600 St. Aimee

[SLUMCRAP2014/0012]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant:

No appearance

Respondent: Ms. Kelly Thomson

Issue: Status of the matter

Type of Order: Directions

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Senior Magistrate shall cause the Record of Appeal including the Notes of Evidence and Reasons for Decision to be prepared and served on the parties by no later than 13th September 2024, failing which an affidavit giving reasons for the non-compliance shall be filed.
2. The matter is adjourned to the next Status Hearing of the Court for the state of Saint Lucia scheduled for 9th October 2024.
3. 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 was unable to be located for service. Also, the Court noted that some notes of evidence were received but these were insufficient to constitute the transcript of proceedings for the purposes of the appeal. Accordingly, the Court adjourned the matter directing that the Senior Magistrate prepare and serve the transcript of proceedings by specified date.

Case Name: Byron Nicholas

V

PC 600 St. Aimee

[SLUMCRAP2014/0014]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant: No appearance

Respondent: Ms. Kelly Thomson

Issue: Status of the matter

Type of Order: Adjournment

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Upon noting the affidavit filed by the Senior Magistrate informing that the record of proceedings is unavailable in this matter, the matter is adjourned to the next Status Hearing of the Court for the state of Saint Lucia scheduled for 9th October 2024 to allow the appellant to give an indication of how he intends to proceed with the appeal.
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 that the appellant was unable to be located for service.

Case Name:

Wilfred Karl Daniel

v

The King

[SLUMCRAP2018/0007]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant:

No appearance

Respondent:

Ms. Kelly Thomson

Issue:

Status of the matter

Type of Order:

Adjournment

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. Upon noting that the appellant was served to be present at today's hearing, but has not appeared, the matter is adjourned to the next Status Hearing of the Court of Appeal for the state of Saint Lucia scheduled for 9th October 2024, to allow the appellant to be present to indicate whether he is still interested in prosecuting his appeal.**
- 2. This is the final adjournment for this purpose.**

3. 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 was served with the certificate of result of the last Status Hearing as well as the notice of the present Status Hearing. The Court stated that the Record of Appeal had been filed but there was no indication as to whether the appellant intended to continue pursuing his appeal. Counsel for the respondent stated that she would endeavor to correspond with the appellant's counsel to ascertain the status of his legal representation and whether he wished to proceed with the appeal.

Case Name:

Kim Didier

v

The Police (WPC Elia)

SLUMCRAP2022/0001

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant:

Mr. Alberton Richelieu

Respondent:

Ms. Kelly Thomson

Issue:

Status of the matter

Type of Order:

Adjournment

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The Senior Magistrate shall continue efforts to cause the Record of Appeal including the Notes of Evidence and Reasons for Decision to be prepared and served on the parties by no later than 13th September 2024 failing which an affidavit giving reasons for the non-compliance shall be filed.**
- 2. The matter is adjourned to the next Status Hearing of the Court of Appeal for the state of Saint Lucia scheduled for 9th October 2024.**

Reason:

The Court noted that the Record of Appeal was still outstanding in the matter and accordingly adjourned the matter to allow the Magistrate's Court to continue their efforts in preparing and subsequently serving the Record of Appeal on the parties by specified date.

Case Name:

Avice Charles Inglis

v

Corporal of Police 618 (Roberto Harrison)

[SLUMCRAP2020/0003]

Date:

Monday, 24th June 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant: No appearance

Respondent: Ms. Kelly Thomson

Issue: Status of the matter

Type of Order: Directions

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 2nd August 2024.
2. The respondent shall file and serve written submissions with authorities in response on or before 6th September 2024.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 23rd September 2024.
4. The appeal will be listed for Hearing at a Court of Appeal sitting for the State of Saint Lucia on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason: The Court noted that the supplemental Record of Appeal including the Reasons for Decision was filed on 16th April 2024. Accordingly, the matter was ready for the filing of submissions.

Case Name: Robert Joseph

v

Corporal 253 Joseph
[SLUMCRAP2019/0003]

Date: Monday, 24th June 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances

Appellant: No appearance

Respondent: Ms. Kelly Thomson

Issue: Status of the matter

Type of Order: N/A

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

The matter is removed from the Status Hearing cause list and shall be relisted either at the request of the parties or on a date to be fixed by the Chief Registrar.

Reason: The Court decided to delist the matter because the appellant failed to take the necessary steps to progress his appeal.