

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

Tuesday, 25th June 2024

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

Case Name: [1] Shawn Ganness
[2] Wendel Sylvester
[3] Roddy Felix
[4] Edward Gibson
v
The King

[GDAHCRAP2024/0003]
(Grenada)

Date: Tuesday, 25th June 2024

Appearances:

Applicants:	Mr. Francis Alexis
Respondent:	No appearance

Issues: Application for a stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for a stay of execution of the judgment of Guildford J on 19th December 2023 pending the hearing and determination of the appeal is granted.

Reason: The Court considered the principles upon which a stay pending the determination of the appeal is granted as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd BVIHCMAP2014/0017

(delivered 2nd October 2014, unreported) including all the circumstances of the case, that a stay is the exception rather than the general rule, that the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted, the likely prejudice to the successful party, the prospect of the appeal succeeding where strong grounds of appeal or a strong likelihood the appeal will succeed is shown and determined that those threshold requirements had been satisfied by the applicants.

Case Name: **Ervin Rudolph Allen**
v
The Director of Public Prosecutions
[NEVHCRA2024/0001]
(Saint Christopher and Nevis)

Date: **Tuesday, 25th June 2024**

Appearances:

Applicant:	In person
Respondent:	No appearance

Issues: **Application to assign legal counsel**

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

- 1. The application to assign legal counsel dated 28th February 2024 is refused.**
- 2. The Registrar of the High Court shall serve a copy of this order on the application and respondent within 7 days of this order.**

Reason: **The Court noted the Chamber Order of this Court dated 28th May 2024 granting leave to appeal and directing that the applicant formally applies to be assigned legal aid which provides comprehensive details as to his financial means. The Court noted that although the applicant filed a formal application for legal aid, he omitted to provide details of his income or source of income. The Court was therefore of the view that the applicant had not provided**

evidence that he does not have sufficient means to enable him to obtain legal counsel and refused the application.

Case Name:

Glenroy Glasgow

V

The King

[SVGHCRA2024/0005]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 25th June 2024

Appearances:

Applicant: In person

Respondent: No appearance

Issues:

**Application for leave to appeal against sentence –
Application to assign legal counsel**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application to be assigned legal aid is refused.**
- 2. The Application for leave to appeal is granted.**

Reason:

The Court noted the Chamber Order of this Court dated 28th May 2024 directing that the applicant to formally submit an application to be assigned legal aid which provides comprehensive details as to his financial means. The applicant failed to comply with that order and the Court subsequently refused the application for legal counsel. The Court was of the view however that the applicant had met the threshold for the grant of leave to appeal and subsequently granted the application.