

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING

Tuesday 23rd April 2024

MATTER DEALT WITH ON PAPER

Case Name:

Clayton Laws

v

The King

[SKBHCRAP2018/0003]
(St. Christopher and Nevis)

Date:

Tuesday 23rd April 2024

Before:

The Hon. Mde. Vicki-Ann Ellis, Justice of Appeal

On paper:

Applicant:

Hamilton & Co.

Respondent:

No appearance

Issues:

Application to amend application for leave to
appeal to seek leave against sentence only -
Application for leave to appeal against sentence

Type of
Order:

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. The Application to Amend is granted.
2. The applicant is granted leave to appeal against sentence only.

3. The applicant shall file and serve a Form 1: Notice of appeal against sentence only within 21 days of the date of this order.
4. The Registrar of the High Court shall serve a copy of this order on the parties within 14 days of the date of this order and shall provide proof of service thereof.

Reason:

Before the Court were two applications: an application for leave to appeal against sentence and conviction originally filed on 20th April 2018 and an application filed on 23rd February 2024 for leave to amend that application to allow the applicant to seek leave to appeal against sentence only. There had been previous orders of the Court dated 26th September 2023; 31st October 2023 and 23rd January 2024 (“the Chamber Orders”) which called for the Registrar of the High Court to rectify service on the parties of certain documents including service of the applications, minute of conviction and sentence and previous orders of the Court on the DPP and which also called for the applicant to make a formal application for leave to amend his original application since he had only forwarded a letter to Court seeking that the application be amended.

The matter had been removed from the Chamber hearing list pending the compliance by the Registrar of the many Court orders and the applicant. The Court read the various affidavits of service filed and found that there had been compliance with the Chamber Orders by the Registrar and the applicant. The Court further noted that the application filed on 20th April 2018 only mentioned that the applicant was seeking leave to appeal against sentence and did not indicate the grounds upon which leave was sought to appeal against sentence. The Court noted that the applicant only made mention of the grounds of

his appeal against sentence in his letter dated 23rd June 2023 wherein he indicated, *inter alia*, that the sentence was harsh. The Court further noted that his formal application to amend filed on 23rd February 2024 did not directly indicate the grounds of appeal against sentence.

In considering the application to amend, the Court was of the view that the application ought to be granted. With leave granted to amend, the Court then considered the application for leave to appeal against sentence. The Court found that the applicant had met the threshold and so leave was granted to appeal against sentence only.

However, as the applicant only stated the grounds of appeal in his June letter, he was directed to refile a fresh Form 1: Notice of Appeal against sentence only within 21 days.