

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL

STATUS HEARING

**VIDEOCONFERENCE
MONTSERRAT
WEDNESDAY, 10TH APRIL 2024**

High Court Civil Appeals

Case Name:

**[1] Kenneth Kryz
[2] Greg Mitchell (Joint Liquidators)**

v

Financial Services Commissioner

[MNIHCVAP2020/0020]

Date:

Wednesday, 10th April 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Tim Prudhoe

Respondent:

Ms. Renee Morgan

Issue:

Status of the matter

Type of Order:

Directions

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. Counsel for the respondent shall inform the appellant of the issues which arise from her review of the transcript of proceedings on or before 19th April 2024.**
- 2. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Territory of Montserrat scheduled for 20th November 2024.**

Reason:

The Court noted that the transcript was still outstanding. Ms. Morgan indicated that she had issues concerning, overall, the quality of the transcript and these must be settled before it is put before the Court. She agreed to provide a list of said issues to Mr. Prudhoe on or before 19th April 2024 with a view to settling them. The Court urged the parties to take the necessary steps to progress the matter.

Case Name:

Mary Casarin

v

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

MNIHCVAP2022/0004

Date:

Wednesday, 10th April 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. David Dorsett

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 Territory of Montserrat scheduled for 20th November 2024 to allow counsel for the appellant to hold discussions with the appellant on the progress of the appeal.

Reason:

The Court noted Dr. Dorsett's oral submission that he did in fact sent via FedEx the appeal documents to the last known address of the respondent in Canada, however she returned those documents to FedEx. The Court decided to adjourn the matter with a view to allowing the appellant additional time to hold discussions on an appropriate way to progress the appeal in the circumstances.

Case Name:

Claude Gerald

v

[1] Public Service Commission

[2] Deputy Governor

[MNIHCVAP2021/0004]

Date: Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Dr. David Dorsett
Respondent:	Ms. Cedricia Shiell

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.
2. The matter will be relisted upon the appellant taking the necessary steps to progress the appeal further or on a date to be fixed by the Chief Registrar.

Reason: The Court noted that its previous directions concerning the filing of the record were not followed. Accordingly, the Court decided to remove the matter from the list until the appellant takes the necessary steps to progress the appeal.

Case Name: Lloyd Rhenford Ryan

v

Agnes Ryan

[MNIHCVAP2022/0003]

Date: Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Rushaine Cunningham
Respondent:	Mr. Fitzroy Buffonge

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 Territory of Montserrat scheduled for 20th November 2024 to allow the parties to take the necessary steps to progress the appeal.

Reason: Firstly, the Court noted that no record of appeal had been filed. Secondly, the Court heard Mr. Buffonge's oral submission that the respondent had passed, and he (Mr. Buffonge) would no longer act as counsel in the matter, however, he was in the process of assisting in finding new counsel. The Court upon being apprised of the circumstances, noted that a representative party would have to be appointed. This, the Court noted, was a crucial step before the matter could progress further.

Case Name: **The Bank of Montserrat**

v

Owen Martin Rooney

[MNIHCVAP2023/0001]

Date: **Wednesday, 10th April 2024**

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

Appearances:

Appellant: **Mr. Sylvester Carrott**

Respondent: **Mr. Tim Prudhoe**

Issue: **Status of the matter**

Type of Order: **Directions**

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

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall provide the respondent with an index of the documents to be included in the record of appeal for agreement on or before 24th April 2024.**
- 2. The respondent shall provide the appellant with the agreed documents for the record of appeal on or before 29th April 2024.**
- 3. The appellant shall file and serve the record of appeal on or before 21st May 2024.**

4. The appellant shall file and serve written submissions with authorities on or before 5th June 2024.
5. The respondent shall file and serve written submissions with authorities on or before 25th June 2024.
6. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 10th July 2024.
7. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 25th November 2024.

Reason:

The Court noted that the record of appeal had not been settled between the parties. Accordingly, the Court made directions so as to facilitate the settling, and concomitant filing of the record of appeal. The Court decided as well to provide directions for the filing of written submissions and fix the hearing of the appeal for the next Court of Appeal Sitting for the Territory of Montserrat.

HIGH COURT CRIMINAL APPEALS
AGAINST CONVICTION

Case Name:

Khadije Irish

v

The King

[MNIHCRAP2022/0005]

Date:

Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Mr. Oris Sullivan, Director of Public Prosecutions

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 Territory of Montserrat scheduled for 20th November 2024 to allow the appellant to regularize his legal representation.

Reason: The Court noted the appellant's indication that he did not have counsel but wished to obtain one in the matter.

Case Name: John Allen

v

The King

[MNIHCRAP2021/0003]

Date: Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Mr. Oris Sullivan, Director of Public Prosecutions

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 Territory of Montserrat scheduled for 20th November 2024 to allow the appellant's legal aid representation to be finalized.
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 Registrar of the High Court's indication that the appellant's request for legal aid had received a positive response from the Attorney General, however, counsel had not been appointed yet.**

Case Name: **Warren Cassell**

v

The King

[MNIHCRAP2022/0003]

Date: Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Dr. David Dorsett
Respondent:	Mr. Henry Gordon

Issue: Status of the matter

Type of Order: Directions

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 19th April 2024.
2. The hearing of the appeal will be listed on a date to be fixed by the Chief Registrar in consultation with the parties.

Reason: The Court noted that reply submissions were outstanding. The Court also noted the parties' request that the hearing of the appeal be listed for the following week's Full Court sitting, or if not that, earlier than the next sitting of the Court of Appeal for the Territory of Montserrat in November 2024. The Court decided that though the hearing of the appeal could not be accommodated at the following week's sitting, the matter could be accommodated at another sitting of the Full Court, certainly before November 2024.

MAGISTERIAL CRIMINAL APPEALS

Case Name:

George Leonard

v

The Crown

[MNIMCRAP2021/0003]

Date:

Wednesday, 10th April 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. Oris Sullivan, Director of Public Prosecutions

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 7th June 2024.**
- 2. The respondent shall file and serve written submissions with authorities on or before 12th July 2024.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 31st July 2024.**

4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 25th November 2024.

Reason:

The Court noted that the Record of Appeal was filed on 11th December 2023, however, written submissions were outstanding. Accordingly, the Court made directions for the filing of same and as well, fixed the matter for hearing.

Case Name:

Catherine Tuitt

v

The Director of Public Prosecutions

[MNIMCRAP2018/0001]

Date:

Wednesday, 10th April 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. Oris Sullivan, Director of Public Prosecutions

Issue:

Status of the matter

Type of Order:

Directions

Result/Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall provide the Registrar of the High Court with a list of the documents which she has in relation to the appeal on or before 20th April 2024.
2. The Registrar of the High Court shall take the necessary steps to provide the appellant with the missing documents on or before 10th May 2024.
3. The respondent shall provide the court with copies of the written submissions and authorities filed in this matter on or before 10th May 2024.
4. The matter is adjourned to the next Status Hearing of the Court for the Territory of Montserrat scheduled for 20th November 2024.

Reason:

The Court noted the appellant's indication that her former counsel had passed away and he had in his possession certain appeal documents. The Registrar of the High Court subsequently informed the Court that the registry was in the process of locating the court file which had been accidentally archived. Accordingly, the Court made directions to expedite the location and provision of the missing appeal documents to the appellant. The Court also made directions for the provision of written submissions to the Court which had been previously filed in the matter.

Case Name:

Sylvester Solomon

v

Julian Romeo

[MNIMCVAP2020/0013]

Date: Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	In person

Issue: Status of the matter

Type of Order: Directions

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is listed before the Full Court on Tuesday 16th April 2024.
2. 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 took note of the evidence which showed that the appellant had left the island on 9th February 2023, however, there was no evidence of re-entry. Accordingly, the Court decided to list the matter for hearing before the Full Court in the following week.

Case Name: Sylvester Solomon

v

Julian Romeo

[MNIMCVAP2020/0014]

Date: Wednesday, 10th April 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: In person

Issue: Status of the matter

Type of Order: Directions

Result/Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is listed before the Full Court on Tuesday 16th April 2024.
2. 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 took note of the evidence which showed that the appellant had left the island on 9th February 2023, however, there was no evidence of re-entry. Accordingly, the Court decided to list the matter for hearing before the Full Court in the following week.

Case Name:

Penelope Beadle

v

James Henry Lee

[MNIMCVAP2020/0001]

Date:

Wednesday, 10th April 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 appellant was not served to be present, the matter is adjourned to the next Status Hearing of the Court for the Territory of Montserrat scheduled for 20th November 2024 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 the appellant had not been served to be present. Accordingly, the Court adjourned the matter to the next Status Hearing for the Territory of Montserrat to allow the appellant to be present to indicate whether she still wishes to pursue her appeal.

Case Name: Sylvester Solomon

v

Cassandra Weekes

[MNIMCVAP2016/0002]

Date: Wednesday, 10th April 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 the absence of the appellant at this status hearing, the matter is adjourned to the next Status Hearing of the Court for the Territory of Montserrat scheduled for 20th November 2024 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 the Record of Appeal and a copy of this order on the parties and shall provide proof of service thereafter.

Reason:

The Court noted that the appellant had not been served to be present. Accordingly, the Court adjourned the matter to the next Status Hearing for the Territory of Montserrat to allow the appellant to be present to indicate whether he still wishes to pursue his appeal.

Case Name:

Heskeith Raymond

v

Ann Bynoe

[MNIMCVAP2022/0001]

Date:

Wednesday, 10th April 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

In person

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 and authorities on or before 31st May 2024.
2. The respondent shall file and serve written submissions and authorities in response on or before 1st July 2024.
3. The appellant is at liberty to file and serve written submissions and authorities in reply, if necessary, on or before 31st July 2024.
4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat scheduled for the week commencing 25th November 2024.
5. 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 matter was ready for directions on the filing of written submissions. As both parties were unrepresented; the appellant indicating that she was in the process of obtaining counsel and the respondent who was satisfied with appearing pro se, the Court explained the process of preparing and filing written submissions in the matter.