

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING
30th May 2023

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Paul Webster, Justice of Appeal
[Ag.]

Case Name: Leroy Campbell
v
The King

[ANUHCRA2023/0002]
(Antigua and Barbuda)

Date: Tuesday, 30th May 2023

On paper:

Applicant:	Ms. Kema Benjamin
Respondent:	The Director of Public Prosecutions

Issues: Application for leave to appeal – Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve an application for tendering the fresh evidence to be relied upon supported by evidence showing compliance with the requirements of section 45 of Eastern Caribbean Supreme Court Act Cap 143 (including the statement referred to but not attached to the application for leave to appeal out of time) within 21 days of the date of this order.

2. The application for leave to appeal out of time and the intended application to rely on fresh evidence, if filed and served, are adjourned for consideration to the next Chamber Hearing scheduled for 27th June 2023.
3. If the application to rely on fresh evidence is not filed and served in accordance with this order it will not be considered by the Court.

Reason: The Court noted that the purported fresh evidence to be relied on by the applicant was not tendered to the Court of Appeal in accordance with section 45 of the Eastern Caribbean Supreme Court Act Cap 143.

Case Name:

**Barbara Vargas
v
Oscar Vargas**

**[ANUHCVP2023/0009]
(Antigua and Barbuda)**

Formatted: Spanish (Spain)

Date: Tuesday, 30th May 2023

Appearances:

Applicant: In person

Respondent: No appearance

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for leave to appeal the two orders of Robertson J dated 23rd February 2023 in Suit No. ANUHCVP2020/0200 is referred to the Full Court to be heard on a date to be fixed by the Chief Registrar.

Reason: The Court was guided by the provisions of parts 56.4 and 62.2(5) of the Civil Procedure Rules 2000.

Case Name:

**Jeanne Boland
v**

Serge Junior Simon
[DOMHCVAP2023/0004]
(Dominica)

Date: Tuesday, 30th May 2023

Appearances:

Applicant: In person

Respondent: No appearance

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED:

1. The application for leave to appeal against the judgment of Stephenson J dated 9th March 2023 is granted.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.
3. The appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court was of the view that the applicant met the threshold for the grant of leave to appeal.

Case Name: Jessamy Environmental Consulting & Research
Caribbean Incorporated
v
Republic Bank Grenada Limited
[GDAHCVAP2021/0016]
(Grenada)

Date: Tuesday, 30th May 2023

Appearances:

Applicant: Mr. Jerry Edwin

Respondent: Renwick and Payne

Issues: Application for an extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide to this Court a copy of the order or judgment of the High Court striking out the applicant's claim within 14 days of the date of this order.
2. The application for an extension of time to file notice of appeal is adjourned for further consideration at the next Chamber Hearing of the Court scheduled for 27th June 2023.

Reason:

The Court was not furnished with a copy of the order being appealed.

Case Name:

**Regulator of International Banking
v
[1]Petrodel Investment Advisers (Nevis) Ltd
[2]Michael J Prest
[3]Bank of Nevis International Limited**

**[NEVHCVAP2023/0008]
(Saint Kitts and Nevis)**

Date:

Tuesday, 30th May 2023

Appearances:

Applicant: Ms. Rhonda Nisbett-Browne
Respondents: JHT Law Firm
The second respondent in person
Ms. Kalisia Marks for the third respondent

Issues:

Application for an interim stay

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted a limited stay of execution of the judgment of Thompson Jr. J dated 10th February 2023.
2. The said US\$120,000.00 plus interest shall be kept in court pending the determination of the appeal or further order of this Court.

3. Costs of the application shall be costs in the appeal.

Reason: The Court was satisfied that the respondents are entitled to the fruits of victory in the lower court; the applicant will not suffer irreparable harm if the stay is not granted because there is no cogent evidence that the potential harm to the reputation of the respondents or any of them will be further damaged if a stay is not granted and the damage to the reputation of the financial services sector of Nevis is not a proper basis for granting a stay; and the balance of convenience does not favour the granting of a stay. However, the applicant has reasonable prospects of success on appeal and, if successful, the appeal may be rendered nugatory if the US\$120,000.00 plus interest now paid into court is delivered to the respondents.

Case Name: Junior Jarvis
v
The King
[SVGHCRAP2023/0005]
(Saint Vincent and the Grenadines)

Date: Tuesday, 30th May 2023

Appearances:
Applicant: In person
Respondent: Ms. Tammika Da Silva- Mc Kenzie

Issues: Application for leave to appeal against conviction and sentence – Application for an extension of time for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for an extension of time within which to appeal against conviction and sentence is dismissed.

Reason: The Court noted that the only ground advanced by the applicant for an extension of time was that the application

was out of time and was therefore of the view that in the circumstances, the applicant failed to satisfy the Court that he met the threshold for the grant of an extension of time.