

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

Tuesday 23rd January 2024

MATTERS DEALT WITH ON PAPER

Before:

**The Hon. Mde. Margaret Price-Findlay, Justice of
Appeal**

Case Name:

Michael Jack

v

The Chief of Police

**[SKBMCRAP2023/0008]
(Saint Christopher and Nevis)**

Date:

Tuesday 23rd January 2024

On paper:

Applicant: Self-represented

Respondent: No appearance

Issues:

Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application filed by the applicant on 26th October 2023 for leave to appeal against his sentence is granted.**
- 2. The application filed by the applicant on 26th October 2023 for leave to appeal against his sentence is deemed the notice of appeal.**

Reason: The Court was of the view that the application for leave to appeal against sentence had met the threshold for the grant of leave.

Before: The Hon. Mde. Margaret Price-Findlay, Justice of Appeal

Case Name: 1. Sancus Financial Holdings Limited

2. Carson Wen

3. Julia Yuet Shan Fung

v

Chad Holm

[BVIHCMAP2023/0025]

(Territory of the Virgin Islands)

Date: Tuesday, 23rd January 2024

On paper:

Applicants: Mr. Alex Hall Taylor KC

Respondent/Applicant: Mr. Oliver Clifton

Issues: Application for leave to appeal – Stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The notice of application filed on 11th October 2023 for leave to appeal against the order of Wallbank J [Ag.] dated 20th September 2023 is granted.
2. The application for a stay of execution of the order of Wallbank J [Ag.] dated 20th September 2023 pending the determination of the appeal is granted.
3. The application for unless orders filed by the respondent on 17th November 2023 is dismissed.

Reason:

The Court upon considering rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal may be given only where (a) the court considers that the appeal would have a realistic prospect of success; or (b) there is some other compelling reason why the appeal should be heard and the principles on which a stay is granted, including (i) the party seeking a stay must provide cogent evidence that its appeal will be stultified or rendered nugatory unless a stay is granted; (ii) the exercise of the court's discretion to grant a stay will depend on all the circumstances of the case, and (iii) the essential question is whether there is a risk of injustice to one or both parties if a stay is granted or refused, was of the view that the applicants had met the threshold for leave to appeal and had met the requirements for the grant of a stay.

Before:

The Hon. Mde. Margaret Price-Findlay, Justice of Appeal

Case Name:

1. Sancus Financial Holdings Limited

2. Carson Wen
3. Julia Yuet Shan Fung

v

Chad Holm
[BVIHCMAP2023/0024]
(Territory of the Virgin Islands)

Date: **Tuesday, 23rd January 2024**

On paper:

Appellants: **Mr. Alex Hall Taylor KC**

Respondent/Applicant: **Mr. Oliver Clifton**

Issues: **Application for an unless order**

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

The application for an unless order filed by the applicant/respondent on 17th November 2023 is dismissed.

Reason: **The Court was of the view that that the order of the Court dated 23rd January 2024 in**

BVIHCMAP2023/0025 rendered the application for an unless order nugatory.