

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

27th June 2023

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Case Name: Redcliffe Holdings Limited
v
[1] Edward Meyer
[2] Kathleen Meyer
[3] William Cooper

[ANUHCVP2023/0018]
(Antigua and Barbuda)

Date: Tuesday, 27th June 2023

On paper:

Applicant: Ms. Jacqueline Walwyn

Respondent: No appearance

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for leave to appeal against the order of Master Michel dated 13th April 2023 is granted.

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

Case Name:

**[1] Peter Ducreay
[2] Maria Leblanc Ducreay
v
Melisa Malita Stedman**

**[DOMHCVAP2023/0007]
(Commonwealth of Dominica)**

Date:

Tuesday, 27th June 2023

On paper:

Applicants: In person

Respondent: No appearance

Issues:

Application for leave to appeal against costs order

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave to appeal against the costs order of Master Pariagsingh dated 12th April 2023 is dismissed as a nullity.

Reason:

The application was out of time and unaccompanied by an application for an extension of time.

Case Name:

**In the Matter of Karen Anderson and Peter
Mahlstedt**

**[DOMHCVAP2023/0008]
[Commonwealth of Dominica]**

Date:

Tuesday, 27th June 2023

On paper:

Applicant: Singoalla Blomqvist-Williams

Respondent: No appearance

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file a copy of the order of Astaphan J [Ag] delivered on 3rd May 2023 within 14 days of the date of this order.
2. The application for leave to appeal is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 20th July 2023.

Reason: The order being appealed did not accompany the application for leave to appeal.

Case Name: Anthony Goodman
v
Joann Goodman

[GDAHCVAP2023/0018]
(Grenada)

Date: Tuesday, 27th June 2023

Appearances:

Applicant: Mr. Jerry Edwin

Respondent: No appearance

Issues: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file written submissions in support of the application for a stay of execution of the order of Glasgow J dated 14th April 2023.
2. The applicant shall serve the notice of application, affidavit in support, draft order and written

submissions in support, together with the authorisation code generated by the Electronic Litigation Portal in accordance with rule 13 of the Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) (Amendment) Rules, 2019, on the respondent and shall provide proof of service thereof within 14 days of the date of this order.

3. The application for a stay of execution of the order of Glasgow J dated 14th April 2023 is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 20th July 2023.

Reason:

The Court noted that there was no evidence that the authorisation code generated by the Electronic Litigation Portal was served on the respondents in accordance with sub-rule (3) of the Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) (Amendment) Rules 2019. The Court was also of the view that written submissions in support of the application ought to be filed.

Case Name:

Raheeman Joy Frederick

and

[1] Phillip Neptune

[2] Marva Neptune

[3] Zorina Fredrick

[4] Cecilia Phyllis Frederick

**[GDAHCVAP2022/0023]
(Grenada)**

Date:

Tuesday, 27th June 2023

Appearances:

Applicant:

Mr. Ruggles Ferguson KC

Respondents: Mr. Ruggles Ferguson KC

Issues: Application for substitution of party

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

1. The applicant's notice of application to be substituted in the place of Cecilia Phyllis Frederick, deceased, in her representative capacity as Administratrix of the Estate of Albert Nicholas Frederick is granted.
2. The applicant is to file and serve copies of this order on all parties to the matter and provide proof of service thereof within 14 days of this order.

Reason: The Court was satisfied that the application for substitution should be granted.

Case Name: Massy Properties (Trinidad) Ltd.

v

[1] Basel Algharbi
[2] Toni Algharbi
[3] Norab Mansour
[4] Rohit Persaud
[5] Jason Fleming

**[GDAHCVAP2023/0022]
(Grenada)**

Date: Tuesday, 27th June 2023

Appearances:

Applicant: Ms. Melissa Modeste-Singh

Respondents: First respondent in person
Second respondent in person
Mr. Anselm Clouden for the third respondent
Fourth respondent in person

Issues: Application for leave to appeal – Application for a stay

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

1. The application for an extension of time to apply for leave to appeal the order of Master Michel dated 28th April 2023 is granted.
2. The application for leave to appeal and a stay of the order of Master Michel dated 28th April 2023 is referred for hearing by the Full Court at a date to be fixed by the Chief Registrar.

Reason: The Court was satisfied that leave should be granted to the applicant to appeal. The court also considered the principles on which a stay is granted and was satisfied that a stay should be granted.

Case Name: Vernon Richardson
v
The Director of Public Prosecutions
[SKBHCRAP2023/0005]
(Saint Kitts and Nevis)

Date: Tuesday, 27th June 2023

Appearances:
Applicant: In person

Respondent: In person

Issues: Application for leave to appeal against sentence

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

1. Leave is granted to the applicant to appeal the sentence of 22 years imprisonment imposed on 2nd May 2023.
2. The notice of application for leave to appeal filed on 12th May 2023 is deemed to be the notice of appeal.

3. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent and shall provide proof of service thereof.

Reason: The Court was of the view that the applicant should be granted leave to appeal against his sentence.

Case Name: Ashley Harris
v
Director of Public Prosecutions
[SKBHCRA2023/0008]
(Saint Kitts and Nevis)

Date: Tuesday, 27th June 2023

Appearances:
Applicant: In person
Respondent: In person

Issues: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal his sentence of 17 years imprisonment imposed on 15th May 2023.
2. The notice of application for leave to appeal filed on 23rd May 2023 is deemed to be the notice of appeal.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent and shall provide proof of service thereof.

Reason: The Court was of the view that the applicant should be granted leave to appeal against his sentence.

Case Name: Ashley Harris
v

Director of Public Prosecutions

**[SKBHCRAP2023/0009]
(Saint Kitts and Nevis)**

Date: Tuesday, 27th June 2023

Appearances:

Applicant: In person

Respondent: In person

Issues: Application for leave to appeal against sentence

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

1. Leave is granted to the applicant to appeal his conviction for rape and his sentence of 16 years.
2. The notice of application filed on 23rd May 2023 is deemed to be the notice of appeal.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and on the respondent and shall provide proof of service thereof.

Reason: The Court was of the view that the applicant should be granted leave to appeal against his sentence.

Case Name:

Devon Ford

v

The Director of Public Prosecutions

**[SKBHCRAP2023/0007]
(Saint Kitts and Nevis)**

Date: Tuesday, 27th June 2023

Appearances:

Applicant: In person

Respondent: In person

Issues: Application for leave to appeal against sentence

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

1. The applicant shall file and serve on the Director of Public Prosecutions a notice of application for an extension of the time within which to apply for leave to appeal.
2. The applications for an extension of time and for leave to appeal sentence are adjourned to the next Chamber Sitting of the Court scheduled for 20th July 2023.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent within 7 days and shall provide proof of service thereof.

Reason: The Court noted that the application for leave to appeal was out of time and was not accompanied by application for an extension of time to apply for leave to appeal.

Case Name: Phoenix Southwell
v
Director of Public Prosecutions
[SKBHCRAP2023/0006]
(Saint Kitts and Nevis)

Date: Tuesday, 27th June 2023

Appearances:
Applicant: In person
Respondent: In person

Issues: Application for leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Further consideration of this application is adjourned to Monday 10th July 2023.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and respondent within 7 days of the date of the order and provide proof of service to this Court thereafter.

Reason:

The Court noted that the application was out of time and was not accompanied by an application for an extension of time.

Case Name:

**[1] Magistrate Bertlyn Reynolds
[2] Financial Intelligence Authority**

v

**[1] Peter Hippolyte
[2] Michael Augustin
[3] Martinus Alexander**

**[SLUHCVP2022/0019]
(Saint Lucia)**

Date:

Tuesday, 27th June 2023

Appearances:

Appellants: Mr. George Charlemagne

Respondents: Mr. Horace Fraser

Issues:

Application for a stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for a stay of execution of the judgment of Innocent J, delivered on 1st December 2022, pending the hearing and determination of the appeal is granted.

Reason:

The Court was of the view that the applicant met the threshold for the grant of a stay of execution.

Case Name: [1] David Shimeld
[2] Paul Kerridge
[3] Jane Stables
v
Drake Marina Village Limited
[SLUHCVAP2023/0013]
(Saint Lucia)

Date: Tuesday, 27th June 2023

Appearances:
Applicants: Mr. Gerard Williams
Respondent: No appearance

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicants to appeal the decision of Innocent J dated 18th May 2023.
2. The applicants 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 satisfied that the applicants met the threshold for the grant of leave to appeal.

Case Name: Mwata Henry
v
The King
[SVGHCRA2023/0011]
(Saint Vincent and the Grenadines)

Date: Tuesday, 27th June 2023

Appearances:
Applicant: Ms. Kay Bacchus-Baptiste

Respondent: No appearance

Issues: Notice of application

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 12th May 2023 is dismissed.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and provide this Court with proof of service thereof.

Reason: The notice of application did not disclose any identifiable reliefs sought from the Court.

Case Name: Rolando Cato
v
The King

[SVGHCRA2023/0012]
(Saint Vincent and the Grenadines)

Date: Tuesday, 27th June 2023

Appearances:

Applicant: In person

Respondent: Ms. Tammika Da Silva - Mc Kenzie, Office of the Director of Public Prosecutions

Issues: Application for leave to appeal against conviction and sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal his conviction and sentence for the offences of possession of a firearm with intent to commit an offence and robbery.

2. The notice of application filed on 26th May 2023 is deemed to be the notice of appeal.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and provide this Court with proof of service thereof.

Reason: The Court was of the view that the applicant should be granted leave to appeal against his conviction and sentence.

Case Name: Joffrey James
v
The King

[SVGHCRAP2023/0008]
(Saint Vincent and the Grenadines)

Date: Tuesday, 27th June 2023

Appearances:
Applicant: In person
Respondent: Ms. Tammika Da Silva - Mc Kenzie, Office of the Director of Public Prosecutions

Issues: Application for legal aid

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall provide this Court with an affidavit evidencing his financial means within 14 days of the date of this order.
2. The application by way of letter seeking legal aid is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 20th July 2023.
3. The Registrar of the High Court shall serve a copy of this order on the appellant and provide this Court with proof of service thereof.

Reason: The Court noted that the appellant failed to provide evidence to satisfy the Court that he does not have

sufficient means to enable him to obtain legal representation.

Case Name:

[1] Lam Wo Ping
[2] Lam Kin Chung
v
[1] Chen Jian Yun
[2] Zhong Da Mining Holding Limited

[BVIHCMAP2023/0006]
(Territory of the Virgin Islands)

Date:

Tuesday, 27th June 2023

Appearances:

Applicants: Mr. Simon Hall

Respondents: No appearance

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicants to appeal the order of Mangatal J (Ag) dated 25th April 2023.
2. The applicants 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 satisfied that the applicants met the threshold for the grant of leave to appeal.

Case Name:

Charmaine Rosan-Bunbury

v
[1] Attorney General
[2] Commissioner of Police

[BVIHCVAP2015/0017]
(Territory of the Virgin Islands)

Date: Tuesday, 27th June 2023

Appearances:

Applicant: Mr. David Penn

Respondents: No appearance

Issues: Application for substitution of party

Result / IT IS HEREBY ORDERED THAT:

Order:

Further consideration of this application is adjourned to Monday 10th July 2023.

Reason: N/A

Case Name:

Marcianno Pickering

v

[1]Enid Geraldine Pickering

[2]Dacia Orelita Pickering

[3]Pauline Pickering

[BVIHCVAP2023/0002]

(Territory of the Virgin Islands)

Date: Tuesday, 27th June 2023

Appearances:

Applicant: Ms. Karlene Thomas-Lucien

Respondents: Ms. Anthea Smith

Issues: Application for a stay of execution

Result / IT IS HEREBY ORDERED THAT:

Order:

The application for a stay of execution of the order of Felix-Evans J (Ag.) dated 6th April 2023 is refused.

Reason: The Court considered the principles on which a stay is granted and was of the view that the applicant had not satisfied the requirements for the grant of a stay.

Case Name: **Betetto Frett**
v
First Bank Puerto Rico
[BVIHCMAP2022/0066]
(Territory of the Virgin Islands)

Date: Tuesday, 27th June 2023

Appearances:
Applicant: Ms. Carmilita Jamieson
Respondent: Ms. Jhneil Stewart

Issues: Application for security for costs

Result / Order: IT IS HEREBY ORDERED THAT:

The appellant, Mr. Betteto Frett, shall give security for the respondent/applicant's costs of the appeal herein by paying the sum of US \$150,000.00 into court within 21 days of this order.

Reason: The Court was of the view that the requirements for the grant of security for costs have been satisfied by the applicant.

Case Name: **Kelon Browne**
v
Kay Barry
[BVIHCMAP2023/0002]
(Territory of the Virgin Islands)

Date: Tuesday, 27th June 2023

Appearances:

Applicant: Ms. Marie-Lou Creque

Respondent: In person

Issues: Application for stay of execution

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

The application for a stay of the order of Magistrate Benjamin made on 12th May 2023 pending the hearing and determination of the appeal is granted.

Reason: The Court considered the principles on which a stay is granted and was of the view that the applicant had satisfied the requirements for the grant of a stay.