

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

28th November 2023

**MATTERS DEALT WITH ON PAPER
The Hon. Mr. Trevor Ward, Justice of Appeal**

Before:

Case Name:

Ketron Springtte

v

Director of Public Prosecution

**[SKBHCRAP2023/0010]
Saint Christopher and Nevis**

Date:

Tuesday, 28th November 2023

On paper:

Applicant: In person

Respondent: No appearance

Issues:

Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against sentence filed on 26th September 2023 is granted and the notice of application for leave to appeal is deemed to be the notice of appeal.**
- 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 this**

order.

3. The appeal shall proceed in accordance with the Civil Procedure Rules 2023.

Reason:

The Court, being cognisant of rule 55 of the Eastern Caribbean Court of Appeal Rules which states that a notice of application for leave to appeal may serve as a notice of appeal, determined that the applicant had met the threshold for leave to appeal his sentence.

Case Name:

[1] The Development Control Authority
[2] The Attorney General

v

Mondesir Estates Limited

[SLUHCVAP2023/0020]
Saint Lucia

Date:

Tuesday, 28th November 2023

On paper:

Applicants: Mr. Anand Ramlogan SC, Mr. Jared Jagroo, Ms. Kozel Creese and Ms. Rochelle John-Charles

Respondent: Mr. Peter I. Foster KC, Ms. Renee T. St, Rose, Ms. Marie-Ange Symmonds and Ms. Tiannah M. Foster

Issues:

Application for stay of judgment

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for a stay of the judgment of Innocent J filed on 11th September 2023 is refused.

Reason:

The Court considered the principles upon which a stay

pending the determination of the appeal is granted as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) including all the circumstances of the case, that a stay is the exception rather than the general rule, that the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted, the likely prejudice to the successful party, the prospect of the appeal succeeding where strong grounds of appeal or a strong likelihood the appeal will succeed is shown. Having regard to these principles, the Court was of the view that the applicant had not provided evidence that irremediable harm would be occasioned and that the appeal would be rendered nugatory if a stay is not granted. The application was therefore refused.

Case Name:

Allan Wilson

v

The King

[SVGHCRA2019/0004]

Saint Vincent and the Grenadines

Date:

Tuesday, 28th November 2023

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issues:

Application for bail pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall furnish a**

copy of the notice of appeal of the applicant to this Court.

2. The application for bail pending the hearing and determination of the appeal is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for the 19th December 2023.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason:

The Court noted that the respondent's submissions indicated that the applicant had filed a notice of appeal on 13th March 2019. However, the Court was not furnished with this notice of appeal. The matter was adjourned to the next Chamber Hearing on 19th December 2023 to facilitate the Registrar of the High Court to provide to the Court this notice of appeal.

Case Name:

David Legair

v

The King

[SVGHCRA2021/0009]

Saint Vincent and the Grenadines

Date:

Tuesday, 28th November 2023

On paper:

Applicant: In person

Respondent: No appearance

Issues:

Application for bail pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the application for bail pending the hearing and determination of appeal and provide proof of service within 7 days.
2. The application for bail pending the hearing and determination of appeal is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for the 19th December 2023.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason:

The Court noted that there was no evidence of service on the respondent of the application for bail pending appeal and adjourned the matter for the next Chamber Sitting on 19th December 2023 to facilitate service on the Director of Public Prosecutions.

Case Name:

Terrano Samuel

v

The King

[SVGHCRAP2023/0021]

Saint Vincent and the Grenadines

Date:

Tuesday, 28th November 2023

On paper:

Applicant:

In person

Respondent:

No appearance

Issues: **Application for leave to appeal against conviction and sentence**

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

- 1. The Registrar of the High Court shall furnish a copy of the minute of conviction and sentence to the Court within 7 days of this order.**
- 2. The Registrar of the High Court shall cause the application for leave to appeal to be served on the office of the Director of Public Prosecutions and provide proof of such service within 7 days of this order.**
- 3. The hearing and determination of the application for leave to appeal is adjourned to the next Chamber Hearing of the Court scheduled for 19th December 2023.**

Reason: **The Court noted that there was no evidence of service of the application for leave to appeal on the office of the Director of Public Prosecutions. The Court further noted that there had been no minute of conviction and sentence filed with the Court. The matter was therefore adjourned to the next Chamber Sitting of the Court on 19th December 2023 for the service on the respondent and for the filing of the minute of conviction and sentence.**

Case Name: **BVI Health Services Authority**

v

Medical Services (BVI) Inc.

**[BVIHCMAP2023/0021]
Territory of the Virgin Islands**

Date: **Tuesday, 28th November 2023**

On paper:

Appellant/Respondent: Mr. Jermaine O. Case

Respondent/Applicant: Mr. Paul Chaisty KC

Issues: Application for stay of the hearing of the appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for the stay of the hearing of the appeal of the final award pending the determination of the final appeal filed 28th September 2023 is refused.

Reason: The Court considered the principles upon which a stay pending the determination of the appeal is granted as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) including all the circumstances of the case, that a stay is the exception rather than the general rule, that the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted, the likely prejudice to the successful party, the prospect of the appeal succeeding where strong grounds of appeal or a strong likelihood the appeal will succeed is shown. Having regard to these principles, the Court was of the view that the applicant had not met the threshold for the grant of a stay.