

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING

MATTERS DEALT WITH ON PAPER

Case Name:

**The Director of Public Prosecutions
v
Kenworth Charles**

**[ANUHCRAP2023/0006]
(Antigua and Barbuda)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant/Respondent: Ms. Shannon Jones-Gittens

Respondent/Applicant: Mr. Wendel Alexander

Issues:

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

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve the Application and the minute of conviction and sentence on the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.**

2. The Registrar of the High Court shall serve a copy of this order on the respondent/applicant and on the office of the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.
3. The Application filed on 31st July 2023 is adjourned for further consideration at the next Chamber sitting of this Court scheduled for 31st October 2023.

The Court noted that there was no evidence that the application for leave to appeal against conviction and sentence and the minute of conviction and sentence had been served on the Director of Public Prosecutions. The matter was therefore adjourned.

Reason:

Case Name:

Michael Marcellin

v

Cadedra Antonio

**[ANUMCVAP2023/0010]
(Antigua and Barbuda)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application for an extension of time to seek leave to appeal against the decision of Chief Magistrate made on 21st March 2023

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file and serve an affidavit in support of the application for an extension of time (along with all other supporting documentation including a copy of the decision of the Chef Magistrate made on 21st March 2023) on the respondent within 14 days of the date of this order and shall provide proof of service thereof.**
- 2. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order and shall provide proof of service thereof.**
- 3. The notice of application filed on 22nd August 2023 seeking an extension of time to seek leave to appeal against the decision of Chief Magistrate made on 21st March 2023 is adjourned for further consideration at the next Chamber sitting of this Court scheduled for 31st October 2023.**

Reason:

The Court noted that (i) no evidence in support accompanied the application for an extension of time, (ii) the decision of Chef Magistrate Joanne Walsh made on 21st March 2023 was not exhibited and that (iii) the applicant was an unrepresented litigant. The Court therefore gave directions for the filing of the missing documents and adjourned the matter.

Case Name:

**Corrine Clara
v
Marble Phillips**

**(Acting through Nancy Mc Kenzie Greene
as Executrix substituted by order 20th May
2019)**

**[GDAHCVAP2021/0017]
(Grenada)**

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Respondent/Appellant: Mr. Deloni Edwards

Applicant/Respondent: Ms. Pauline Hannibal

Issues: Application for security for costs

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Application is dismissed.
2. No order as to costs.

Reason: The Court considered rules 62.21(1), 62.21(2), 62.21(3) and 62.21(4) of the Civil Procedure Rules (Revised Edition) 2023 ("CPR"). The Court also noted that the application was largely premised on the basis that the respondent/appellant failed to satisfy a previous costs order made in the Court of Appeal in the sum of \$4,166.00. The Court was of the view that (i) the facts and circumstances which underpin the application did not meet the threshold for the grant of security for costs; (ii) while the respondent/appellant may have failed to satisfy previous costs orders the proper course

for the applicant/respondent was to pursue and complete appropriate enforcement proceedings prescribed under the CPR; and (iii) having regard to the totality of the evidence, the applicant/respondent had not demonstrated that the respondent/appellant would likely be unable to pay the costs of the appeal if ordered to do so or that it was otherwise just to make the order.

Case Name:

Ken Gilbert

v

The King

**[GDAHCRAP2023/0010]
(Grenada)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:

No appearance

Respondent:

No appearance

Issues:

Application for leave to appeal against sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against sentence is granted.**
- 2. The notice of application for leave to appeal against sentence filed on 19th July 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 office of the Director of Public Prosecutions within 21 days of the date of this order and shall provide proof of service thereof.

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

Case Name: Donniel Pierre
v
The King
[GDAHCRAP2023/0009]
(Grenada)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:
Applicant: No appearance

Respondent: No appearance

Issues: Application for an extension of time within which to appeal – Application for leave to appeal against sentence

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve sworn evidence in support of the application which addresses (1) the length of the delay in filing his application for leave to appeal; (2) full details of the reasons for the delay; (3) the chances of the appeal succeeding if the extension is granted; and (4) the degree of prejudice if the application is granted within 14 days of the date of this order.
2. The Registrar of the High Court shall file and serve a copy of the minute of conviction and sentence of the applicant on both the applicant and on the office of the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.
3. The Applications are adjourned for further consideration at the next Chamber sitting of this Court scheduled for 31st October 2023.

Reason:

The Court noted that the grounds in support of the application for an extension of time asserted merely that the prison authorities misfiled the applicant's form without providing any further cogent details and that the minute of conviction and sentence of the applicant had not been provided. The Court therefore gave directions for the filing of further affidavit evidence and adjourned the matter.

Case Name:

Ronnie Mark

v

The King

**[GDAHCRAP2023/0012]
(Grenada)**

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant:	No appearance
Respondent:	No appearance

Issues: Application for leave to appeal against conviction and sentence

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against conviction and sentence is granted.
2. The application for leave to appeal against conviction and sentence filed on 5th July 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 office of the Director of Public Prosecutions within 21 days of the date of this order and shall provide proof of service thereof.

Reason: The Court was of the view that the applicant has met the threshold for the grant of leave to appeal against conviction and sentence.

Case Name:

Carlvin Frank
v
The King

[GDAHCRAP2023/0013]

(Grenada)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:	No appearance
Respondent:	No appearance

Issues: Application for leave to appeal against sentence

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against sentence is granted.
2. The application for leave to appeal against sentence filed on 23rd August 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 office of the Director of Public Prosecutions within 21 days of the date of this order and shall provide proof of service thereof.

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

Case Name: Stephen Molyneaux
v
[1] Superintendent of Prisons

[2] Head of Function Mr. Vaughn Ryan

**[MNIHCVAP2023/0006]
(Montserrat)**

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondents: No appearance

Issues: Application for an extension of time to seek leave to appeal against the order of Morley J dated 9th March 2023 and entered 13th March 2023

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to seek leave to appeal filed on 1st August 2023 is dismissed.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and respondents within 14 days of the date of this order and shall provide proof of service thereof.

Reason: The Court considered rule 26.1(2)(k) of the Civil Procedure Rules (Revised Edition) 2023 (“CPR”) and the principles upon which an extension of time is granted as set out in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) and John Cecil

Rose v Anne Marie Uralis Rose
SLUHCVAP2011/0013 (delivered 22nd September
2003, unreported). The Court was of the view that
the applicant had not met the threshold for the
grant of an extension of time to seek leave to
appeal since the applicant failed to provide
reasons for the delay and the applicant has failed
to show good prospects of success on appeal.

Case Name:

**Clayton Laws
v
The Director of Public Prosecutions
[SKBHCRAP2018/0003]
(Saint Christopher and Nevis)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

**Application for leave to appeal against conviction
and sentence - Written correspondence dated 23rd
June 2023 by applicant indicating his intention to
amend his notice of appeal filed on 20th April 2018**

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall file and
serve a copy of the minute of conviction and
sentence of the applicant on the parties**

within 7 days of the date of this order and shall provide proof of service thereof.

- 2. The Registrar of the High Court shall serve a copy of the application for leave to appeal against conviction and sentence filed by the applicant on 20th April 2018 on the office of the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.**
- 3. The applicant shall file a formal notice of application together with an affidavit in support to amend the notice of application for leave to appeal within 14 days of the date of this order.**
- 4. The Registrar of the High Court shall serve on the office of the Director of Public Prosecutions the application filed by the applicant referred to in paragraph 3 of this Order within 7 days of the filing by the applicant and shall provide proof of service thereof.**
- 5. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order and shall provide proof of service thereof.**
- 6. The application for leave to appeal and the Notice to Amend are adjourned for further consideration at the next Chamber sitting of this Court scheduled for 31st October 2023.**

Reason:

The Court noted that (i) the application for leave to appeal against conviction and sentence was filed since 20th April 2018 and was only provided to the Court of Appeal in 2023; (ii) there was an inordinate delay by the Registry of the High Court in forwarding the application for leave to appeal

against conviction and sentence to the Court of Appeal; (iii) the application for leave to appeal filed on 20th April 2018 in which the applicant seeks to appeal his conviction and sentence were based on wholly inadequate grounds of (1) misdirection, (2) discrepancies and (3) sentence; (iv) this Court was not in receipt of the minute of conviction and sentence of the applicant and that there was no proof that the same had been served on the applicant or on the office of the Director of Public Prosecutions; (v) the Notice to Amend was in the format of written correspondence by the applicant and not in the format of a formal notice of application; and (vi) there was no formal application to amend the application for leave to appeal filed by the applicant. The Court therefore gave directions and adjourned the matter.

Case Name:

**Phoenix Southwell
v
Director of Public Prosecution
[SKBHCRAP2023/0006]
(Saint Christopher and Nevis)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application for leave to appeal against sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Application is dismissed.**
- 2. The Registrar of the High Court shall serve the parties with a copy of this order within 14 days of the date of this order and shall provide proof of service thereof.**

Reason:

The Court noted that previous orders of the Court made in June and July pointed out to the applicant that the application or leave was out of time and directed the applicant to take the necessary steps to seek and obtain an extension of time. The Court further noted that these orders were served on the applicant and that the applicant had failed to file and serve an application for an extension of time for leave to appeal in accordance with the most recent order of 10th July 2023.

Case Name:

**Lisa Francis
v
The Director of Public Prosecutions

[SKBHCRAP2023/0004]
(Saint Christopher and Nevis)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant/Applicant:

Ms. Natasha Grey

Respondent:

No appearance

Issues:

Application for bail pending the hearing and determination of the appeal

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for bail pending the hearing and determination of the appeal is dismissed.**
- 2. The Chief Registrar shall take steps to expedite the hearing of the appeal.**
- 3. The Registrar of the High Court shall serve a copy of this order on the appellant and on the office of the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.**

Reason:

The Court noted that (i) although there was medical evidence which proved that the applicant was suffering from ill health there was no evidence that the appropriate medical treatment was unavailable; (ii) the contention that there was a high likelihood that the transcripts of proceedings may not be ready in good timing so that by the time the appellant's appeal is before the Court, the appellant may have served her sentence was a bare and nebulous allegation which was unsupported; and (iii) there were no exceptional circumstances that would drive this Court to conclude that justice could only be done by the granting of bail.

Case Name:

Petrodel Investment Advisers Ltd

v

[1] Michael J Prest

[2] Tiger Holdings Inc

[NEVHCVAP2023/0013]

(Saint Christopher and Nevis)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: Ms. Jackie Hunkins-Taylor

Respondents: No appearance

Issues: Application for leave to appeal the decision of Thompson J delivered on 31st July 2023

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal against the decision of Thompson J dated 31st July 2023.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.
3. Thereafter the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.

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

Case Name: Leeward Media Group Limited
v
Michael Perkins

[SKBHCVAP2022/0013]

**formerly [SKBHCVAP2012/0012]
(Saint Christopher and Nevis)**

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant/Applicant:	Ms. Maria Angela Cozier
Respondent:	No appearance

Issues: Application for appeal SKBHCVAP2012/0011 to be migrated to the E-Litigation Portal and issued a new appeal number

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The claim filed with the Registry of the Supreme Court (St. Christopher and Nevis) bearing the appeal number SKBHCVAP2012/0011 shall be migrated onto the E-Litigation Portal and shall now bear the appeal number SKBHCVAP2022/0013.
2. All subsequent pleadings, documents and proceedings in this cause shall be filed with the Registry of the Supreme Court via the E-Litigation Portal.
3. The parties shall agree all previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E-Litigation Portal within 21 days of the date of this order.
4. Where the parties do not agree all previously filed (paper) pleadings and documents to be uploaded on the E-

Litigation Portal, each party shall proceed to file their previously filed paper pleadings and documents and upload the same as an “additional volume” on the E-Portal within 21 days.

5. The Court office shall verify and reconcile the abovementioned “additional volume” with the Courts records.

6. There is no order as to costs.

Reason:

The Court noted that the application had been served and there was no response or objection from the respondent.

Case Name:

Dwight Cozier

V

[1] Mark Brantley

[2] Gawain Fraites

[SKBHCVAP2022/0010]

Formerly [SKBHCVAP2019/0025]

(Saint Christopher and Nevis)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant/Applicant:

Ms. Maria Angela Cozier

Respondents:

No appearance

Issues:

Application for appeal SKBHCVAP2019/0025 to be migrated to the E-Litigation Portal and issued a new appeal number

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The claim filed with the Registry of the Supreme Court (St. Christopher and Nevis) bearing the appeal number SKBHCVAP2019/0025 shall be migrated onto the E-Litigation Portal and shall now bear the appeal number SKBHCVAP2022/0010.
2. All subsequent pleadings, documents and proceedings in this cause shall be filed with the Registry of the Supreme Court via the E-Litigation Portal.
3. The parties shall agree all previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E-Litigation Portal within 21 days of the date of this order.
4. Where the parties do not agree all previously filed (paper) pleadings and documents to be uploaded on the E-Litigation Portal, each party shall proceed to file their previously filed paper pleadings and documents and upload the same as an “additional volume” on the E-Portal within 21 days.
5. The Court office shall verify and reconcile the abovementioned “additional volume” with the Courts records.
6. There is no order as to costs.

Reason:

The Court was of the view that the application had been served and that there was no response/objection by the respondents.

Case Name:

Dwight Cozier
v
[1] Shauna Pemberton

**[2] Attorney General of St. Christopher
and Nevis**

**[SKBHCVAP2022/0011]
formerly [SKBHCVAP2019/0003]
(Saint Christopher and Nevis)**

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant/Applicant:	Ms. Maria Angela Cozier
Respondents:	No appearance

Issues: Application for appeal SKBHCVAP2019/0003 to be migrated to the E-Litigation Portal and issued a new appeal number

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The claim filed with the Registry of the Supreme Court (St. Christopher and Nevis) bearing the appeal number SKBHCVAP2019/0003 shall be migrated onto the E-Litigation Portal and shall now bear the appeal number SKBHCVAP2022/0011.
2. All subsequent pleadings, documents and proceedings in this cause shall be filed with the Registry of the Supreme Court via the E-Litigation Portal.
3. The parties shall agree all previously filed (paper) pleadings and documents and upload the same as an “additional volume”

on the E-Litigation Portal within 21 days of the date of this order.

4. Where the parties do not agree all previously filed (paper) pleadings and documents to be uploaded on the E-Litigation Portal, each party shall proceed to file their previously filed paper pleadings and documents and upload the same as an “additional volume” on the E-Portal within 21 days.
5. The Court office shall verify and reconcile the abovementioned “additional volume” with the Courts records.
6. There is no order as to costs.

Reason:

The Court was satisfied that the application had been served and there was no response/objection by the respondents.

Case Name:

**Shanna Pascal
(Administratrix of the Estate of Rufinus P.
Pascal
aka Rufinus P. Pascal)
v
[1] Morgan Khodra
[2] Heavy Machinery & Construction Ltd

[SLUHCVAP2023/0015]
(Saint Lucia)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: Ms. Lydia Faisal

Respondents: No appearance for the 1st respondent
Mr. Duane Jean Baptiste for the 2nd respondent

Issues: Application for an extension of time to 14th July 2023 to file and serve the application for leave to appeal

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

The application for an extension of time within which to file an application for leave to appeal is dismissed.

Reason: The Court considered the principles on which an extension of time should be granted as enunciated in Lindsay F.P. Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004 (delivered 6th July 2020, unreported) applying the principles on which an extension of time should be granted as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (14th October 2011, unreported). The Court noted that (i) although the length of delay was not inordinate, no good reasons had been advanced to explain the delay; (ii) the applicant seeks to challenge the judge's exercise of discretion on grounds which do not reveal adequate reasons capable of traversing the high threshold of overturning the judge's decision; and (iii) the applicant should not be granted an extension of time to file an application for leave to appeal.

Case Name: Lon Octave
v
WPC 816 Mangal

**[SLUMCRAP2018/0004]
[SLUMCRAP2018/0005]
(Saint Lucia)**

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant:	No appearance
Respondent:	No appearance

Issues: Application by Carlton Amsterdam, counsel for the appellant, to be removed from the record as representing the appellant

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application by Carlton Amsterdam to be removed from the record as counsel for the appellant is granted.
2. The applicant shall serve a copy of this order on the appellant and on the respondent within 14 days of the date of this order and shall file a certificate of service of the order thereafter.

Reason: The Court determined that the application was served on the appellant, there was no objection by the respondent and the application should be granted.

Case Name: Mwata Henry
v

The King
[SVGHCRAP2023/0011]
(Saint Vincent and the Grenadines)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: Ms. Kay Bacchus-Baptiste

Respondent: No appearance

Issues: Application for leave to file appeal out of time and to have the notice of appeal filed on 20th May 2023 deemed to be properly filed

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the Application on the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.
2. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order and shall provide proof of service thereof.
3. The Application is adjourned for consideration at the next Chamber sitting of Court scheduled for 31st October 2023.

Reason: The Court noted that the Notice of Appeal did not set out or make clear the subject of the appeal and that there was no affidavit evidence of service of

the application for extension of time on the office of the Director of Public Prosecutions.

Case Name:

**Rohan Stowe
v
The Commissioner of Police**

**[SVGMCRAP2023/0020]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application for an extension of time within which to appeal

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Application for an extension of time is dismissed.**
- 2. The Registrar of the High Court shall serve a copy of this order on the parties within 14 days of the date of this order and shall provide proof of service thereof.**

Reason:

The Court considered rule 54(4)(a)(ii) of the Eastern Caribbean Supreme Court, Court of Appeal Rules and the principles on which an extension of time should be granted as enunciated

in Lindsay F.P. Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004 (delivered 6th July 2020, unreported) applying the principles on which an extension of time should be granted as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (14th October 2011, unreported). The Court was of the view that (i) although the length of delay was not inordinate, no reasons had been advanced to explain the delay; (ii) that an important factor where the application is to extend time to appeal “is a consideration of the realistic (as distinct from fanciful) prospect of success” and in this case the applicant seeks to challenge the judge’s exercise of discretion on grounds which do not reveal adequate reasons capable of traversing the high threshold of overturning the judge’s decision; and (iii) the applicant should not be granted an extension of time to file an application for leave to appeal.

Case Name:

**Delroy Quashie
v
The King**

**[SVGHCRA2023/0014]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application seeking an extension of time within which to appeal

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file an affidavit which fully particularizes the nature and reasons for the delay of some 8 months and which also addresses the chances of the appeal succeeding if the extension is granted; and the degree of prejudice if the Application is granted within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve the affidavit referred to in paragraph 1 of this Order on the office of the Director of Public Prosecutions within 7 days of the filing of the affidavit by the applicant and shall provide proof of service thereof.**
- 3. The Registrar of the High Court shall serve a copy of this order on the applicant and on the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.**
- 4. The Application is adjourned for further consideration at the next Chamber sitting of this Court scheduled for 31st October 2023.**

Reason:

The Court considered that the applicant had provided reasons for the delay which were not sufficiently particularised to enable the Court to properly consider whether there was any good reason which made it excusable and whether he had met the threshold for the grant of an extension of time.

Case Name:

Michael Thomas

V
The King

[SVGHCRA2023/0015]
(Saint Vincent and the Grenadines)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:	No appearance
Respondent:	No appearance

Issues: Application for leave to appeal against sentence

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file an application for an extension of time within which to seek leave to appeal within 14 days of the date of this order.
2. The Registrar of the High Court shall serve a copy of the application for an extension of time referred to in paragraph 1 of this order on the office of the Director of Public Prosecutions within 7 days of the date of filing by the applicant and shall provide proof of service thereof.
3. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order and shall provide proof of service thereof.

4. The consideration of the Application for leave to appeal against sentence is adjourned pending the hearing and determination of the application for an extension of time.

Reason:

The Court noted that the notice of Application for leave to appeal was out of time and that the applicant had not filed an application for an extension of time within which to seek leave to appeal.

Case Name:

Schemel Dunbar

V

The King

[SVGHCRA2023/0017]

(Saint Vincent and the Grenadines)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:

Mr. Carl Williams

Respondent:

No appearance

Issues:

Application for leave to appeal against conviction and sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the application for leave to appeal on the Director of Public Prosecutions and

provide proof of service within 14 days of the date of this order.

2. The Registrar of the High Court shall serve a copy of this order on the applicant and on the office of the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.
3. The consideration of the application for leave to appeal against conviction and sentence is adjourned to the next Chamber Sitting of this Court scheduled for 31st October 2023.

Reason:

The Court noted that the notice of application for leave to appeal against conviction and sentence had not been served on the Director of Public Prosecutions.

Case Name:

**Kimron Neverson
v
The King**

**[SVGHCRA2023/0016]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application for leave to appeal against conviction and sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against conviction and sentence is granted.**
- 2. The notice of application filed on 9th August 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 Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.**

Reason:

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

Case Name:

Jaranza Howe

v

The King

[SVGHCRAP2020/0006]

(Saint Vincent and the Grenadines)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:

No appearance

Respondent:

No appearance

Issues:

Application for leave to appeal against conviction and sentence – Application for bail pending appeal

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file an application for an extension of time within which to seek leave to appeal within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the notice of application for an extension of time on the Director of Public Prosecutions and provide proof of service within 7 days of the date of filing by the applicant.**
- 3. The Registrar of the High Court shall serve a copy of the notice of application for leave to appeal and the application for bail on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.**
- 4. The Registrar of the High Court shall serve a copy of this order on the applicant and on the office of the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.**
- 5. The consideration of the application for leave to appeal against conviction and sentence and the application for bail pending appeal is adjourned pending the hearing and determination of the application for extension of time.**

Reason:

The Court noted that the applications had not been served on the Director of Public Prosecutions and that the application for leave to appeal was out of time and that no application for an extension of the time had been filed. The Court was of the view that it was not in a position to determine the application for bail pending appeal until such time

as the application for an extension of time to appeal had been filed and determined and the application for leave to appeal had been determined.

Case Name:

**Afique Sutton
v
The Commissioner of Police**

**[SVGMCRAP2023/0009]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: Ms. Tammika Da Silva - Mc Kenzie

Issues:

Application for an extension of time within which to seek leave to appeal

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Application for an extension of time within which to seek leave to appeal is dismissed.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.**

Reason:

The Court considered rule 54 (4) (a) (ii) of the Eastern Caribbean Supreme Court, Court of Appeal Rules and the principles on which an extension of time should be granted as enunciated in Lindsay F.P. Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004 (delivered 6th July 2020, unreported) applying the principles on which an extension of time should be granted as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (14th October 2011, unreported). The Court noted that (i) there was a delay of over 4 months in bringing the Application for an extension of time; (ii) the applicant had not provided cogent reasons which explained the delay and which made it excusable; and (iii) the Application did not otherwise meet the threshold for the exercise of the Court's discretion to grant an extension time within which to seek leave to appeal.

Case Name:

Kendine Douglas

v

The King

[SVGHCRA2023/0018]

(Saint Vincent and the Grenadines)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:

No appearance

Respondent:

No appearance

Issues:

Application for leave to appeal against conviction and sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Application shall be set down for an oral hearing before the Full Court on a date to be fixed by the Chief Registrar.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.**

Reason:

The Court considered that the applicant had not met the threshold for the grant of leave to appeal and that consequently the matter should be set down for an oral hearing before the Full Court pursuant to Part 62.2(7) of the Civil Procedure Rules (Revised Edition) 2023.

Case Name:

Bahari Dopwell

v

The King

[SVGHCRAP2023/0019]

(Saint Vincent and the Grenadines)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:

No appearance

Respondent:

Ms. Tammika Da Silva - Mc Kenzie

Issues:

Application for leave to appeal against conviction and sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Application shall be set down for an oral hearing before the Full Court on a date to be fixed by the Chief Registrar.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and on the Director of Public Prosecutions within 14 days of the date of this order and provide proof of service thereafter.**

Reason:

The Court considered that the applicant had not met the threshold for the grant of leave to appeal and that consequently the matter should be set down for an oral hearing before the Full Court pursuant to Part 62.2(7) of the Civil Procedure Rules (Revised Edition) 2023.

Case Name:

Kawanie Williams

v

The King

[SVGHCRAP2021/0005]

(Saint Vincent and the Grenadines)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:

No appearance

Respondent:

No appearance

Issues:

Application by way of letter filed by the appellant on 9th June 2023 seeking to have Mrs. Kay Bacchus-Baptiste assigned as counsel to

prosecute the appeal - Application for leave to appeal against conviction and sentence

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file an application for an extension of time within which to seek leave to appeal within 21 days of the date of this order.**
- 2. The applicant shall provide this Court with affidavit evidence which makes clear that he wishes to have the benefit of a legal aid assignment and which sets out details of his financial means within 21 days of the date of this order.**
- 3. The Registrar of the High Court shall serve a copy of the application for an extension of time and the affidavit of means referred to in paragraphs 1 and 2 of this Order within 7 days of the date of the filing by the applicant on the office of the Director of Public Prosecutions and shall provide proof of service thereof.**
- 4. The Registrar of the High Court shall serve a copy of the Application, the notice of application for leave to appeal and the minute of conviction and sentence of the applicant on the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.**
- 5. The Registrar of the High Court shall serve a copy of this order on the appellant and on the office of the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.**

6. The Application and the notice of application for leave to appeal against conviction and sentence are adjourned pending the determination of the application for an extension of time by this Court.

Reason:

The Court noted that (i) the application for leave to appeal against conviction and sentence was filed out of time and no application for an extension of time was filed; (ii) the application by way of letter seeking to have Mrs. Kay Bacchus-Baptiste assigned as counsel to prosecute the appeal, the notice of application for leave to appeal and the minute of conviction and sentence had not been served on the Director of Public Prosecutions; and (iii) the appellant had failed to provide evidence of his means to satisfy the Court that he does not have sufficient means to enable him to obtain legal representation.

Case Name:

Brian Penn
v
The Commissioner of Police

[BVIMCRAP2018/0003]
(Territory of the Virgin Islands)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant: **No appearance**

Respondent: **No appearance**

Issues:

Application for an extension of time to file written submissions in support of his appeal

Type of Order:

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Appellant will serve a copy of the Application on the respondent within 14 days of the date of this order and shall provide proof of service thereof.**
- 2. The Registrar of the High Court shall serve a copy of this order on the parties within 14 days of the date of this order and shall provide proof of service thereof.**
- 3. The Application is adjourned for consideration at the next Chamber sitting of this Court scheduled for 31st October 2023.**

Reason:

The Court noted that there is no proof that the Application has been served on the respondent.

Case Name:

[1] Julian Svirsky

[2] Denis Donin

v

Arman Oyekenov

[BVIHCMAP2023/0013]

(Territory of the Virgin Islands)

Date:

Tuesday 26th September 2023

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicants:

Mr. Christopher Bromilow

Respondent:

No appearance

Issues: Application for leave to appeal against the order of Wallbank J dated 11th July 2023

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicants are granted leave to appeal against the order of Wallbank J dated 11th July 2023.
2. The applicants shall file and serve the notice of appeal within 21 days of the date of this order.
3. The matter shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.

Reason: The Court was of the view that the applicants had met the threshold for the grant of leave to appeal in that the proposed appeal had a realistic prospect of success.

Case Name: Anthony Goodman
v
Joann Goodman
[GDAHCVAP2023/0018]
(Grenada)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Appellant: Mr. Jerry Edwin

Respondent: No appearance

Issues: Application seeking a stay of execution of the order of Glasgow J issued on 14th April 2023

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall serve on the respondent the notice of application, affidavit in support, draft order and written submissions in support, together with the authorization 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, and shall provide proof of service thereof within 14 days of the date of this order.
2. Unless the applicant complies with paragraph 1 of this order the Application shall stand dismissed without the need for further order of this Court.
3. The Application is otherwise adjourned for consideration at the next Chamber Sitting of this Court scheduled for 31st October 2023.

Reason: The Court noted that there had not been compliance with the orders of the Court dated 27th June 2023 and 20th July 2023 directing the appellant to serve on the respondent the notice of application with affidavit in support, draft order and written submissions in support, together with the aforesaid authorization code. The matter was therefore adjourned.

Case Name: Devon Ford
v
The Director of Public Prosecution

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

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:

Applicant:	No appearance
Respondent:	No appearance

Issues: Application for an extension of time within which to apply for leave to appeal

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve on the Director of Public Prosecutions the notice of application for an extension of the time within which to apply for leave to appeal within 14 days of the date of this order and shall provide proof of service thereof.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and on the respondent within 7 days of the date of this order and shall provide proof of service thereof.
3. 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 31st October 2023.

Reason: The Court noted that there had not been compliance with the order of the Court dated 20th July 2023 directing the Registrar of the High Court to serve on the Director of Public Prosecutions the notice of application for an extension of the time within which to apply for leave to appeal. The matter was therefore adjourned.

Case Name: Joffrey James
v
The King
[SVGHCRAP2023/0008]
(Saint Christopher and Nevis)

Date: Tuesday 26th September 2023

Before: The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

On paper:
Appellant: No appearance
Respondent: No appearance

Issues: Application for legal aid

Type of Order:

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Application is dismissed.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and the office of the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereof.

Reason:

The Court noted that there had been no compliance with the orders of the Court dated 27th June 2023 and 20th July 2023 directing the appellant to provide the Court with an affidavit evidencing his financial means. The Court further noted that the appellant failed to provide evidence to satisfy this Court that he did not have sufficient means to enable him to obtain legal aid.