

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

SAINT VINCENT AND THE GRENADINES
VIDEOCONFERENCE
Wednesday, 19th July 2023

Case Name: Justin Caesar
V
Sybil Coombs
[SVGHCVAP2016/0002]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Samantha Robertson
Respondent: Mr. Roderick Jones

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court of Appeal for the state Saint Vincent and the Grenadines scheduled for 22nd January 2024, unless a notice of discontinuance is sooner filed.

Reason: Counsel for the appellant indicated that a notice of discontinuance would be filed in the matter. Counsel for the respondent indicated that the only

live issue remaining was the matter of costs. As the notice of discontinuance had not yet been filed, the matter was adjourned to the next status hearing, unless a notice was sooner filed.

Case Name:	Julian Clarke v Veronica Haynes [SVGHCVAP2016/0008]
Date:	Wednesday 19th July 2023
Before	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	In person
Respondent:	No appearance
Issues:	The status of the matter
Type of Order:	Adjournment
Result/Order:	IT IS HEREBY ORDERED THAT: The matter is adjourned to the next Status Hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January 2024 to allow the appellant to seek legal advice in relation to his appeal.
Reason:	The respondent was not served to be present and there was an indication that the respondent was an inmate at the mental health institution. For the further progress of the appeal, the appellant requested time to have legal counsel represent him. The Court therefore adjourned the matter to allow

the appellant time to seek legal counsel to assist him.

Case Name: **David Ames**
v
[1] Carl Palmero Jr.
[2] Joan Palmero
[SVGHCVAP2016/0016]

Date: **Wednesday 19th July 2023**

Before **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellant: **No appearance**
Respondents: **Ms. Ronnia Durham-Balcombe holding papers for Ms. Kay Bacchus Baptiste**

Issues: **The status of the matter**

Type of Order: **Adjournment**

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

1. Upon noting that the appellant was not served to be present, the matter is adjourned to the next Status Hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January 2024 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The appellant had left the country on 22nd June and there was no record of his return since that date. The appellant was therefore not served to be present. The matter was thus adjourned to allow the appellant time to indicate whether he was still interested in pursuing his appeal.

Case Name: Princess Bibby
v
[1] Anthony Constantine
[2] Kelly-Ann Constantine
[3] Jimmy Constantine
[4] Melvina Constantine
[SVGHC VAP2016/0023]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Ronnia Durham-Balcombe
Respondents: Mr. Roderick Jones

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The respondents shall inform the appellant of the documents that they wish to have included in the record or the core bundle in accordance with rule 62.12(2) of

the Civil Procedure Rules 2000, on or before 16th August 2023.

2. The appellant shall file the Record of Appeal on or before 31st October, 2023.
3. Thereafter the matter shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: Counsel for the appellant indicated that she was able to contact her clients, as well as obtain the transcript. As such, it was possible for the appeal to progress. Directions were therefore given for the preparation and filing of the record of appeal.

Case Name: The Personal Representative of the Estate
of Winston Richard Knights
V
Leroy Knights
[SVGHCVAP2018/0002]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Samantha Robertson

Respondent: Ms. Rochelle Forde

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court of appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January, 2024, unless a Notice of discontinuance is sooner filed.

Reason: Counsel for the appellant indicated that a notice of discontinuance would be filed in the matter shortly. The matter was therefore adjourned to the next status hearing, unless a notice was sooner filed.

Case Name: Solana Gooding
v
Ashley Ollivierre
[SVGHCVAP2018/0005]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Zhing Horne Edwards with Ms. Chelsea Alexander
Respondent:	Ms. Dannielle France holding papers for Mr. Richard Williams

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall make inquiries from the Judge in the court below whether Her Ladyship used the recordings from the trial for the preparation of the

judgment in this matter and if yes whether these are still available.

2. The matter is adjourned to the next status hearing of the court of appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January, 2024.

Reason:

Counsel for the appellant indicated that there had been difficulties obtaining the transcript as the recording had stopped for a portion of the proceedings. The high court Registrar indicated that copies of the notes of evidence had been made available to counsel for the parties. Counsel for the appellant confirmed this and requested whether inquiries could be made of the judge herself for the missing portion of the recordings.

Case Name:

[1] Michelle Fife
[2] Bansyl Kennedy

v

Marvin Mulcare

[SVGHCVAP2019/0008]
[SVGHCVAP2019/0009]

Date:

Wednesday 19th July 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Ronnia Durham-Balcombe holding papers for
Ms. Kay Bacchus Baptiste

Respondent: Ms. Suzanne Commissiong

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court of Appeal for the state Saint Vincent and the Grenadines scheduled for 22nd July 2024, to allow the appellants to make an application for an extension of time to file the Record of appeal.

Reason:

Counsel holding for Ms. Kay Bacchus-Baptiste indicated that there seemed to be no transcript in the matter but that they still intended to proceed with the appeal. Counsel for the respondent indicated that the notice of appeal had been filed over 4 years ago and that the appellants were out of time to file the record of appeal. The matter was therefore adjourned to allow the appellant time to make the necessary application for an extension of time.

Case Name:

**Sylvia Sutherland
v
[1] Parnell Kerr Foster
[2] Floyd Patterson
[SVGHCVAP2019/0022]**

Date:

Wednesday 19th July 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Ronnia Durham Balcombe holding papers for Ms. Kay Bacchus Baptiste

Respondents: No appearance for the 1st respondent
Mr. Grahame Bollers for the 2nd respondent

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 29th September 2023.
2. The respondents shall file and serve written submissions with authorities on or before 1st November 2023.
3. The appellants are at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 30th November 2023.
4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Saint Vincent and the Grenadines during the week commencing 29th January 2024.

Reason: The matter was ready to progress and so directions were given for the filing and service of submissions. The appeal was also fixed for the next sitting of the Court for Saint Vincent in January 2024.

Case Name:

[1] Jennifer Abbott
[2] Albert Plato
[3] Shirley Layne Jones
v
Cyril Evans

[SVGHCVAP2018/0011]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: No appearance

Respondent: In person

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing for the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for the 22nd January 2023 for a report on the progress of the appeal in relation to the appellants.
2. The Registrar shall serve a copy of this order on the 3rd appellant and the respondent personally and shall provide proof of service thereafter.
3. The Registrar of the High Court shall serve a copy of this order on counsel for the appellants and shall provide proof of service thereafter.

Reason:

The first and second appellants are deceased. Counsel on record for the third appellant was unwell and the third appellant was also not present. The matter was therefore adjourned for the Court to receive an update in relation to the progress of the appeal.

Case Name:

**Dennis Hadaway
v
Randolph Springer**

[SVGHCVAP2016/0024]

Date:

Wednesday 19th July 2023

Before	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Ms. Dannielle France holding papers for Mr. Richard Williams
Respondent:	Mr. Akim John holding papers for Mr. Stanley John, KC
Issues:	The status of the matter
Type of Order:	Adjournment
Result/Order:	IT IS HEREBY ORDERED THAT: Upon noting the request for an adjournment made by counsel for the appellant and there being no objection by the respondent, the matter is adjourned to the next status hearing of the court of appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January 2024 to allow counsel for the appellant to take instructions in relation to the progress of the appeal.
Reason:	Counsel for the appellant indicated that the appellant had a stroke and they needed time to obtain instructions from the appellant's guardian as to how they were to proceed with the appeal. Counsel thus requested an adjournment of the matter. Counsel for the respondent did not object to the request for an adjournment. The matter was therefore adjourned.

Case Name: Angus Dennie
v
St. Vincent and The Grenadines Small
Business and Microfinance Co-operative
Ltd

[SVGHCVAP2017/0013]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Samantha Robertson
Respondent:	Mr. Julian Jack

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January 2024 to allow counsel for the appellant to make an application to be removed as counsel on record for the appellant.

Reason: Counsel for the appellant indicated that she would be making an application to be removed as counsel on record for the appellant. The matter was therefore adjourned to facilitate this.

Case Name:

**[1] Stephen Williams
[2] Gellizeau King
v
Kassinda Williams
(Substituted in place of Elste Elaine
Williams)**

[SVGHCVAP2019/0013]

Date:

Wednesday 19th July 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Dannielle France holding papers for Mr. Richard Williams

Respondent: Ms. Madella Peters

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellants shall file and serve written submissions with authorities on or before 29th September 2023.**
- 2. The respondent shall file and serve written submissions with authorities on or before 1st November 2023.**
- 3. The appellants are at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 30th November 2023.**
- 4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the State of Saint Vincent and the Grenadines scheduled for the week commencing 29th January 2024.**

Reason: The record of appeal was filed and served. Directions were therefore given for the filing of submissions to progress the appeal.

Case Name: Rawle Ollivierre
v
Donnessia Sandy
[SVGHCVAP2021/0007]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Michael Wyllie

Respondent: Mr. Roderick Jones

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall take the necessary steps to engage an external transcriptionist to prepare the transcript of proceedings in this matter and shall inform the Chief Registrar and the Registrar of the High Court of the name of the transcriptionist.
2. The matter is removed from the status hearing list pending the availability of the transcript.
3. The matter will be relisted at the next status hearing upon availability of the transcript or on a date to be fixed by the Chief Registrar.

Reason: Counsel for the appellant indicated that they were still awaiting the transcript of proceedings. The Registrar of the high court indicated that the court was unable to prepare the transcript and that this was communicated to counsel for the appellant. Counsel for the appellant indicated that they would therefore seek the assistance of an external transcriptionist and the Registrar indicated that they would prepare the audio for hand over to the appellant. The matter was therefore taken off the status hearing list until the transcript was prepared.

Case Name: **Brenton Carr**
v
Glenroy John
[SVGMCVAP2021/0007]

Date: **Wednesday 19th July 2023**

Before **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellant: **In person**
Respondent: **In person**

Issues: **The status of the matter**

Type of Order: **Adjournment**

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

- 1. The matter is adjourned to the next status hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines**

scheduled for 22nd January 2024 to allow the parties to consult with lawyers regarding their legal representation.

2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason:

The appellant indicated that he broke his leg and that he was therefore requesting an adjournment so as to have more time to seek legal counsel in the appeal. The respondent was also unrepresented and so the matter was adjourned to give the parties time to seek legal counsel.

Case Name:

Webster Woodley

v

The King

[SVGHCRAP2015/0003]

Date:

Wednesday 19th July 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Ms. Allana Cumberbatch

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January

2024 to allow the respondent to obtain a psychiatric report in relation to the appellant.

Reason: The psychiatric report was still outstanding for the appellant. Consequently, the matter was adjourned to allow the respondent sufficient time to obtain the report.

Case Name: Ali Gibson
v
The King
[SVGHCRAP2017/0009]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: In person
Respondent: Ms. Allana Cumberbatch

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall make inquiries from the prisons as to the letters written by the appellant to be appointed a state attorney and shall inform the Chief Registrar of the position by no later than 31st August 2023.
2. The matter is adjourned to the next status hearing of the Court of Appeal for the state

of Saint Vincent and the Grenadines
scheduled for 22nd January 2024.

3. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason:

The appellant indicated that he had written two letters, previously, requesting that he be appointed a state attorney. The appellant also indicated that he had completed an affidavit of means and that he have it to the prison officials to forward to the court. The Registrar, however, had no record of this. The matter was therefore adjourned to give the Registrar sufficient time to make enquiries at the prison of the documents forwarded by the appellant.

Case Name:

George Franklyn

v

The King

[SVGHCRAP2018/0008]

Date:

Wednesday 19th July 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Ms. Allana Cumberbatch

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall make inquiries from the prisons as to the letters written by the appellant to be appointed a state attorney and shall inform the Chief Registrar of the position by no later than 31st August 2023.
2. The matter is adjourned to the next status hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January 2024.
3. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason:

The appellant indicated that he forwarded two letters to the prison officials for forwarding to the high court. The Registrar indicated the last correspondence to the appellant informed him that an affidavit of means was necessary. The matter was therefore adjourned for the Registrar to look into the matter.

Case Name:

Finton Debourg

v

The King

**[GDAHCRAP2016/0027]
(Grenada)**

Date:

Wednesday 19th July 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. Howard Pinnock holding papers for Mr. Christopher Nelson KC

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall provide the court with a copy of the transcript of proceedings which he has in his possession and which he states was prepared by Ms. Jacqueline Ladoo on or before 9th October 2023.
2. The matter is adjourned to the next status hearing of the court of appeal for the State for Grenada scheduled for 8th January 2024.
3. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The appellant indicated that his counsel had a copy of the transcript of the proceedings prepared by Ms. Ladoo. Directions were therefore given for the appellant to produce this transcript to the Court and the matter was adjourned accordingly.

Case Name: Keith Shadow Labban
v
The Commissioner of Police
[SVGMCRAP2016/0031]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Allana Cumberbatch

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the application by the respondent filed on 15th July 2022, to dismiss the appeal for want of prosecution has not been served on the appellant, the matter is adjourned to the next status hearing of the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 22nd January 2024 to allow the respondent to serve the appellant with the said application.
2. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason: The appellant was not served to be present. The respondent filed an application to dismiss the appeal for want of prosecution. The Registrar indicated that the bailiff had difficulties in locating the appellant for service. The matter was therefore adjourned to allow the respondent time to effect service.

Case Name: Osbourne Jack
v
The Commissioner of Police

[SVGMCRAP2023/0006]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Ms. Allana Cumberbatch

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting the indication from the appellant that he has served his sentence and is no longer interested in prosecuting this appeal, the appeal is withdrawn and dismissed.
2. The Registrar shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The appellant would have indicated that he had already served his sentence and as a result, he was no longer interested in pursuing his appeal. The appeal was therefore withdrawn and dismissed.

Case Name: Carlisle Ryan
v
The Commissioner of Police
[SVGMCRAP2023/0005]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Ms. Allana Cumberbatch

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The respondent shall serve the appellant with their written submissions filed on 12th July 2023 on or before 31st July 2023.
2. The appellant is at liberty to file and serve written submissions with authorities on or before 8th September 2023.
3. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the State of Saint Vincent and the Grenadines scheduled for the week commencing 29th January 2024.
4. The Registrar shall serve a copy of this order on the appellant and shall provide proof of service

Reason:

The appellant indicated that he would be arguing the appeal himself. Consequently, as the appeal was ready to progress, direction were given to further the appeal.

Case Name:

The Commissioner of Police

v

Erdine Luzette King

[SVGMCRAP2023/0003]

Date: Wednesday 19th July 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Allana Cumberbatch
Respondent:	Ms. Ronnia Durham-Balcombe holding papers for Ms. Kay Bacchus-Baptiste

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 15th August 2023.
2. The respondent shall file and serve written submissions with authorities on or before 15th September 2023.
3. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary, on or before 2nd October 2023.
4. The hearing of the appeal is fixed for the next sitting of the court of appeal for the State of Saint Vincent and the Grenadines scheduled for 29th January 2024.

Reason: The respondent indicated that they were ready to proceed with the appeal and requested directions for the filing of submissions. The necessary directions were given and the matter was fixed for the next sitting of the Court in Saint Vincent in January 2024.