

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

18th April 2023

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

Before:

Case Name:

Ali Gibson

v

The King

**[SVGHCRA2017/0009]
Saint Vincent and the Grenadines**

Date:

Tuesday, 18th April 2023

On paper:

Appellant: No appearance

Respondent: No appearance

Issues:

Application for legal aid

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application for the Court to assign legal aid filed
on 27th January 2023 is dismissed.**

Reason:

**The Court noted that by Order dated 28th March 2023,
the matter was adjourned for the appellant to file
evidence to show that he did not have the means to
obtain legal aid. The appellant failed to comply with
the Order and did not file any such evidence.**

Case Name:

Kawanie Williams

v

The King

[SVGHCRAP2021/0021]

Saint Vincent and the Grenadines

Date:

Tuesday, 18th April 2023

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application for bail pending the hearing and determination of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for bail pending determination of the appeal filed 13th February 2023 is denied.

Reason:

The Court noted that the applicant did not provide evidence revealing any exceptional circumstances which arouse for granting bail pending the hearing and determination of the appeal per The State v Lynette Scantlebury (1976) 27 WIR 103.

Case Name:

Kenneth Borris

v

The King

**[GDAHCRAP2022/0013]
Grenada**

Date: Tuesday, 18th April 2023

On paper:

Appellant: No appearance

Respondent: No appearance

Issues: Application for the Court to assign legal counsel

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application to assign legal counsel dated 3rd March 2023 is granted.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and respondent within 14 days of the date of this order.
3. The applicant shall be assigned counsel from the roster of legal aid counsel kept by the Registrar of the High Court and selected by the the Registrar of the High Court to assist the appellant in the conduct of the hearing of the appeal.

Reason:

The Court considered section 52 of the West Indies Associated States Supreme Court (Grenada) Act which provides that the Court may assign counsel in any appeal where it is in the interest of justice that the appellant should have legal aid and he has not sufficient means to enable him to obtain that aid.

The Court determined that the appellant provided sufficient evidence that he does not have sufficient means to enable him to obtain legal counsel.

Case Name:

**Leslie Phillip
v**

Kyron Williams

**[GDAHCVAP2023/0010]
Grenada**

Date:

Tuesday, 18th April 2023

On paper:

Applicant: Ms. Danyish Harford

Respondent: Ms. Alicia Lawrence

Issues:

Applicant for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against the decision of Master Carlos Michel dated 16th February 2023 is granted.**
- 2. The applicants shall file and serve their notice of appeal within 21 days of the date of this order.**
- 3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules 2000.**

Reason:

The Court considered the principles for the grant of leave to appeal provided in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported) and determined that the applicant had met the threshold requirement for the grant of leave to appeal.

Case Name:

Shanan Samuels

v

The King

**[GDAHCRAP2022/0002]
Grenada**

Date: **Tuesday, 18th April 2023**

On paper:

Applicant: **No appearance**

Respondent: **No appearance**

Issues: **Application for the Court to assign legal counsel**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application to assign legal counsel dated 8th February 2023 is granted.**
- 2. The Registrar of the High Court shall serve a copy of this order on the appellant and respondent within 14 days of the date of this order.**
- 3. The applicant shall be assigned counsel from the roster of legal aid counsel kept by the Registrar of the High Court and selected by the Registrar of the High Court to assist the appellant in the conduct of the hearing of the appeal.**

Reason:

The Court considered section 52 of the West Indies Associated States Supreme Court (Grenada) Act which provides that the Court may assign legal counsel in any appeal where it is in the interests of justice that the appellant should have legal aid and he has not sufficient means to enable him to obtain that aid.

The Court determined that the appellant provided sufficient evidence that he did not have sufficient means to enable him to obtain legal counsel.

Case Name:

The King

v

Dee Dijion Hodge

[BVIHCRAP2023/0001]

Territory of the Virgin Islands

Date:

Tuesday, 18th April 2023

On paper:

Appellant: Ms. Tiffany R. Scatlffe, the Director of Public Prosecution

Respondent: In person

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file a copy of the judgment of Astaphan J delivered on 23rd January 2023 within 14 days of this order.
2. The application for leave to appeal the decision of Astaphan J delivered on 23rd January is adjourned to the next Chamber Sitting of the Court scheduled for 30th May 2023.

Reason:

The Court noted that the judgment of Astaphan J delivered on 23rd January 2023 in relation to which leave to appeal was sought was not attached to the application for leave to appeal.

