

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

28th March 2023

MATTERS DEALT WITH ON PAPER

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

Case Name: Bernard Fevriere

v

The Police

**[DOMMCRAP2023/0001]
Commonwealth of Dominica**

Date: Tuesday, 28th March 2023

On paper:

Appellant: Mrs. Gina Dyer- Munro

Respondent: No appearance

Issues: Application for extension of time to file notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Application is granted.**
- 2. The applicant shall file and serve the notice of appeal in accordance with the Magistrate's Code of Procedure Act and Court of Appeal Rules.**
- 3. The Registrar of the High Court shall serve a copy of this order on the Director of Public Prosecutions 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 an extension of time.

Case Name: **Lennox Honore**

and

- 1. Hubert Alexander**
- 2. Marcel Coipel**

[DOMMCVAP2019/0001]
Commonwealth of Dominica

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

On paper:

Applicant:	Mr. Glenworth Ducreay of Casaropa Chambers
Respondents:	No appearance

Issues: **Application to be removed as solicitor on record**

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

- 1. The applicant shall ensure that the terms of the order of 28th February 2023 are fully complied with on or before 12th April 2023 and shall file the necessary affidavit evidence evidencing such compliance.**
- 2. Unless the applicant fully complies with the order of 28th February 2023 by 12th April 2023, the Application shall stand dismissed.**
- 3. Application is adjourned for final consideration at the next chamber sitting of the court scheduled for 18th April 2023.**

Reason: The Court noted that the applicant had not fully complied with the order of the court dated 28th February 2023 and was of the view that an unless order would be appropriate in the circumstances.

Case Name: Jeremiah Gustave

v

The State

**[DOMHCRAP2023/0001]
Commonwealth of Dominica**

Date: Tuesday, 28th March 2023

On paper:

Applicant: Mr. Kondwani Williams

Respondent: No appearance

Issues: Application for leave to appeal against conviction and sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve the relevant application for an extension of time for this Court's consideration within 7 days of the date of this order.
2. Subject to the applicant's compliance with paragraph 1 of this order the Application is adjourned for further consideration to the next chamber sitting of this court scheduled for 18th April 2023.

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

Case Name: Demlyn Murray

v

The King

**[GDAHCRAP2023/0001]
Grenada**

Date: Tuesday, 28th March 2023

On paper:

Applicant: In person

Respondents: No appearance

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The notice of application dated 7th March 2023 for an extension of time within which to appeal is granted.
2. The notice of application for leave to appeal against conviction and sentence is granted.
3. The notice of application filed on 10th January 2023 for leave to appeal is deemed to be the notice of appeal.
4. 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.

5. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.

Reason: The Court noted that the applicant had met the threshold for the grant of an extension of time and for leave to appeal.

Case Name: Wilfred Knight

v

The King

[GDAHCRAP2022/0007]
Grenada

Date: Tuesday, 28th March 2023

On paper:

Applicant: In person

Respondent: No appearance

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. The notice of application dated 7th March 2023 for an extension of time within which to appeal

is granted.

2. The notice of application for leave to appeal against conviction and sentence is granted.
3. The notice of application filed on 10th January 2023 for leave to appeal is deemed to be the notice of appeal.
4. 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.
5. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.

Reason:

The Court noted that the applicant had met the threshold for the grant of an extension of time and for leave to appeal.

Case Name:

Janien Louison

v

**Consolidated Contractors Company Caribbean
Incorporated**

**[GDAHCVAP2023/0004]
Grenada**

Date:

Tuesday, 28th March 2023

On paper:

Applicant:

Ms. Deloni Edwards

Respondent: Mr. Benjamin Hood

Issues: Application for leave to appeal – Application for extension of time to file leave for an interlocutory appeal – Application for relief sanctions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Extension of Time Application is granted.
2. The Leave Application filed on 9th January 2023 is deemed properly filed.
3. The applicant is granted leave to appeal against the decision of Master Carlos Michel dated 19th December 2023.
4. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Reason: The Court was of the view that the applicant had satisfied the relevant threshold for the grant of an extension of time and for leave to appeal. The Court also noted that there was no sanction imposed by the rules or by an order of the court for failure to file the notice of appeal in time.

Case Name: Dave Langdon

v

The King

[GDAHCRAP2023/0003]
Grenada

Date: Tuesday, 28th March 2023

On paper:

Applicant: Mr. Anselm Clouden

Respondent: No appearance

Issues:

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

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The notice of application filed 8th March 2023 for an extension of time within which to appeal is granted.
2. The notice of application for leave to appeal against sentence is granted.
3. The notice of application filed on 12th January 2023 for leave to appeal is deemed to be the notice of appeal.
4. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.

Reason:

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

Case Name:

Bryan St. Martin

v

The King

**[SLUHCRA2019/0002]
Saint Lucia**

Date: Tuesday, 28th March 2023

On paper:

Applicant: In person

Respondent: No appearance

Issues: Application for waiver of transcript fees – Application for legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant's applications for the grant of legal aid and a waiver of transcript fees are granted.
2. The appellant 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 hearing of the appeal.
3. The Registrar of the High Court shall furnish counsel selected from the roster with the Record of Appeal.
4. The Registrar of the High Court shall provide a copy of the transcript of proceedings to the appellant free of charge.
5. The Registrar of the High Court shall serve a copy of this order on the appellant and on the Director of Public Prosecution within 7 days of the date of this order and provide proof of service thereafter.

Reason: The Court took note of the form that was completed by the applicant setting out his financial means and was satisfied that the applicant does not have the means to fund his legal representation. The Court also noted that there was no opposition by the Director of Public Prosecutions to the applications.

Case Name: Kirby Lima
v
The King
[SLUHCRA2022/0007]
Saint Lucia

Date: Tuesday, 28th March 2023

On paper:

Applicant: In person
Respondent: No appearance

Issues: Application for waiver of transcript fees – Application for legal aid

Result / Order: IT IS HEREBY ORDERED THAT:
1. The appellant's applications for the grant of legal aid and the waiver of the transcript fees are granted.
2. The appellant 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 hearing of the

appeal.

3. The Registrar of the High Court shall furnish counsel selected from the roster with the Record of Appeal.
4. The Registrar of the High Court shall provide a copy of the transcript of proceedings to the appellant free of charge.
5. The Registrar of the High Court shall serve a copy of this order on the appellant and on the Director of Public Prosecution within 7 days of the date of this order and provide proof of service thereafter.

Reason:

The Court took note of the form that was completed by the applicant setting out his financial means and was satisfied that the applicant does not have the means to fund his legal representation. The Court also noted that there was no opposition by the Director of Public Prosecutions to the applications.

Case Name:

Veron Primus

v

The King

[SVGHCRAP2022/0015]

Saint Vincent and The Grenadines

Date:

Tuesday, 28th March 2023

On paper:

Applicant: Mr. Michael Wyllie

Respondent: Ms. Tammika Da Silva- McKenzie- 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. The notice of application for leave to appeal against conviction and sentence is granted.
2. The notice of application filed on 28th December 2022 for leave to appeal 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 Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.
4. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.

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

Case Name: Tobago House of Assembly
and

[1] Richard Graham also called Rick Graham (Trading as Original Canopy Tours Enterprises Limited)
[2] Darren Hreniuk (Trading as Original Canopy Tours Enterprises

Limited)

**[BVIHCMAP2022/0074]
Territory of the Virgin Islands**

Date: Tuesday, 28th March 2023

On paper:

Applicant: Mrs. Hazelann Hannaway- Boreland and Ms. Jhneil Stewart

Respondents: No appearance

Issues: Application for leave to amend heading in notice of appeal to comply with rule 62.10 of the Civil Procedure Rules, 2000 (“CPR”) and grounds of appeal – Application that the hearing of appeal be dealt with on an expedited basis pursuant to CPR 62.10 (5) – Application for an extension of time to file documents required by CPR 62.10(1) – Application for costs to be reserved until determination of the appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant is granted leave to amend the heading of its notice of appeal filed on 22nd December 2022 to comply with rule 62.10 of the Civil Procedure Rules, 2000 and its grounds of appeal.
2. The appellant shall file and serve the documents required by CPR 62.10 (1) including written submissions within 14 days of this order and provide proof of service thereof.
3. The first and second respondents are at liberty to file written submissions in response within 14 days of receipt of the amended notice of appeal and the appellant’s submissions.

4. The appeal shall be set down for a date to be heard by the Court on a date to fixed by the Chief Registrar.
5. Costs to be reserved until the determination of the appeal.

Reason:

Upon satisfactory service of the application on the respondents who are self-represented litigants, the Court considered its powers under CPR 26.9 to rectify matters where there was a procedural error; the principles for an extension of time and that the appellant had not provided cogent evidence as to why the appeal should be heard on an expedited basis. Accordingly, the Court was satisfied that the applicant should be granted leave to amend the heading of its notice of appeal and its grounds and that an extension of time should be granted. The appeal was set down to be heard on a date to be fixed by the Chief Registrar and costs were reserved pending determination of the appeal.