

**THE EASTERN CARIBBEAN SUPREME
COURT
COURT OF APPEAL**

CHAMBER HEARING

29th March 2023

ORAL HEARING

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

Case Name: Magistrate Bertlyn Reynolds

and

[1] Peter Hippolyte
[2] Michael Augustin
[3] Matinus Alexander

[SLUHCVAP2022/0019]
Saint Lucia

Date: Wednesday, 29th March 2023

Oral Hearing:

Appellant/Applicant: Mr. Seryozha Cenac and Mr. George K Charlemagne
Ms. Dalia Jules and Mr. Paul Thompson on behalf of
the Financial Intelligence Authority

Respondents: Mr. Horace Fraser

Issues: Application for stay of execution - Joinder - Whether
the Financial Intelligence Authority is a proper party
to the proceedings in the Court of Appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant to file and serve an
application seeking leave to intervene and

be joined as a party to this appeal together with affidavit evidence in support on or before 11th April 2023.

2. The respondent to file a response to the application thereafter on or before 21st April 2023.
3. The applicant is at liberty to file a reply on or before 3rd May 2023.
4. The parties to lodge and exchange legal submissions by 18th May 2023.
5. The matter shall set be down to be heard on papers before a single judge of the Court on a date to be fixed by the Chief Registrar.
6. The Application filed on 18th January 2023 is adjourned pending the hearing and determination of the application for a joinder.

Reason:

The Court took note of the respondent's objection to the application for a stay of execution on the ground that the Financial Intelligence Authority ("the applicant") has no locus standi to proffer the said application. In addressing this issue, the Court heard counsel for the applicant who submitted that the applicant has standing to advance the application for a stay of execution by virtue of their legal right to do so as a third party affected by the decision of the magistrate in the court below. However, the Court noted that there has been no formal application by the applicant to be joined (qua intervenor) to the proceedings in the Court of Appeal. The Court was therefore of the view that the issue of standing cannot be properly addressed by the Court until and unless there is an application by the Applicant to be

added as a party to these proceedings. Accordingly, the Court gave directions for the filing and service of an application seeking leave for the applicant to intervene and to be joined as a party to the appeal. Consequently, the application for a stay of execution was adjourned pending the determination and hearing of the joinder/intervenor application.