

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

MONTSERRAT
VIDEOCONFERENCE
Thursday 19th January 2023

STATUS HEARING

Case Name:

Claude Gerald

v

[1] Public Service Commission
[2] Deputy Governor

[MNIHCVAP2021/0004]

Date:

Thursday 19th January 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: **No appearance**

Respondents: **Ms. Cedrica Shiell**

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. Counsel for the respondents shall inform the appellant of the documents that they wish to have included in the record of appeal or the**

core bundle in accordance with rule 62.12(2), Civil Procedure Rules on or before 17th February 2023.

2. The appellant shall file and serve the record of appeal on or before 31st March 2023.
3. The matter shall thereafter proceed in accordance with the Civil Procedure Rules.

Reason: The Transcript of proceedings was completed and made available to the parties on 9th March 2022.

Case Name: [1] Kenneth Kryś
[2] Greg Mitchell
(Joint Liquidators)

v

Financial Services Commissioner

[MNIHCVAP2020/0020]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Tim Prudhoe with Ms. Lovetta Silcott

Respondents: Ms. Renee Morgan

Issues: Status of the matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue

efforts to have the transcript of proceedings completed and served on the parties.

2. The matter is adjourned to the next status hearing of the court of appeal for the Territory of Montserrat scheduled for 13th September 2023.

Reason: The transcript of proceedings is still outstanding. It is expected to be completed by end of February 2023.

Case Name: Commissioner of Police

v

[1] Myron Green
[2] Dimitri Tuitt
[3] Dion Tuitt
[4] Norvelle Greenway

[MNIHCVAP2021/0001]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Oris Sullivan, Director of Public Prosecutions

Respondents: Mr. Myron Green the 1st respondent appearing in Person
No appearance by or on behalf of the 2nd, 3rd and 4th respondents

Issues: Status of the matter

Type of Order: N/A

Result / Order & Reason: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve the record of appeal on or before 28th February 2023.
2. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 28th February 2023.
3. The appeal is fixed for hearing at the sitting of the Court of Appeal for the Territory of Montserrat during the week commencing 18th September 2023.

Reason:

The first respondent is the only active respondent in the matter. The Registrar has informed that all the other respondents reside overseas. The Transcript was completed on 2nd February 2021.

Case Name:

Mary Casarin

v

**Maureen Dyett
(The Sole Executrix of The Late Mary Chapman)**

[MNIHCVAP2022/0004]

Date:

Thursday 19th January 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondents: No appearance

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat sched for 13th September 2023 for the appellant to provide proof of service of the Notice of Appeal and other related filings on the respondent.
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 Court was informed that the respondent resides in Canada, and it is uncertain whether she has been served with the notice of appeal and submissions.

Case Name:

Sylvester Solomon

v

Julian Romeo

[MNIMCVAP2020/0013]

Date:

Thursday 19th January 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: No appearance

Respondent: In Person

Issues:

Status of the matter

Type of Order:

Adjournment

Result:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the Record of Appeal on the parties

- and shall provide proof of service thereafter.
2. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 13th September 2023 to allow the appellant to be present to indicate whether he is still interested in prosecuting this appeal.
 3. 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 record of appeal was filed on 23rd March 2020. The appellant was emailed with the notice of hearing but there has been no response. The respondent appeared in person on the last occasion but is not present today.

Case Name:

Sylvester Solomon

v

Julian Romeo

[MNIHCVAP2020/0014]

Date:

Thursday 19th January 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No Appearance

Respondents: In Person

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

1. The appellant shall file and serve the record of appeal on or before 29th July 2022.

2. The matter is adjourned to the next Status Hearing of the Court for the Territory of Montserrat scheduled for 19th January 2023.
3. The Registrar of the High Court shall cause a copy of this order to be served on the respondent and shall provide proof of service thereafter.

Reason: The record of appeal was filed on 23rd March 2020. The appellant was emailed with the notice of hearing but there has been no response. The respondent appeared in person on the last occasion but is not present today.

Case Name: Penelope Beadle
v
James Henry Lee

[MNIHCVAP2020/0001]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	No Appearance
Respondent:	No Appearance

Issues: Status of the matter

Type of Order: Adjournment

Result / Order:

1. Upon noting that the parties were not served to be present at today's hearing the matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 13th September 2023.
2. The Registrar of the High Court shall serve a

copy of the Record of Appeal filed on 27th November 2020 and a copy of this order on the parties and shall provide proof of service thereafter.

Reason: The appellant lives overseas. The respondent resides in Montserrat, but it does not appear that he was served to be present.

Case Name: Sylvester Solomon

v

Cassandra Weekes

[MNIMCVAP2016/0002]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	In Person

Issues: Status of the matter

Type of Order: N/A

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the court for the Territory of Montserrat scheduled for 13th January 2023 for the appellant to indicate whether he is still interested in prosecuting the appeal.
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 Record of Appeal was filed on 6th May 2017. The appellant has not present at the status hearing.

Case Name:

John Allen
v

The King
[MNIHCRAP2021/0003]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In Person

Respondents: Mr. Oris Sullivan, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the court of appeal for the Territory of Montserrat scheduled for 13th September 2023 for the appellant to make an application for legal aid.
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 Record of appeal was filed on 27th September 2022. The Record was served on the DPP's chambers and the appellant on 4th November 2022. No submissions have been filed in this matter.

Case Name:

Karen Allen

v

Commissioner of Police

[MNIMCRAP2021/0002]

Date:

Thursday 19th January 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Andrew Horton

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall take the necessary steps to serve the authorization code on the respondent on or before 10th February 2023.**
- 2. The appellant is at liberty to file and serve written submissions with authorities on or before 1st March 2023.**
- 3. The respondent shall file and serve written submissions with authorities on or before 29th March 2023.**
- 4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 13th April 2023.**
- 5. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Territory of Montserrat scheduled for the week commencing 18th September 2023.**

Reason:

The record of appeal was filed on 2nd November 2022.

Both the appellant and the respondent informed the court that they have not received the authorization code.

Case Name: George Leonard

v

The Crown

[MNIMCRAP2021/0003]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result / Order:
[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall cause a copy of the Record of Appeal to be prepared and served on the parties on or before 31st March 2023, failing which an affidavit containing the reasons for non-compliance shall be filed.

2. The matter is adjourned to the next status hearing of the court of appeal for the Territory of Montserrat scheduled for 13th September 2023.

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 record of appeal has not been filed in the matter.

Case Name: Cameron Yearwood
v
Commissioner of Police
[MNIMCVAP2020/0013]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mr. Andrew Horton

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]
IT IS HEREBY ORDERED THAT:
1. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of Montserrat scheduled for 13th September 2023 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 record of appeal was filed on 11th December 2020. Counsel for the appellant had on previous occasion informed that a notice of discontinuance would be filed. To date this has not been filed.

Case Name: Donald Ryan
v
Commissioner of Police
[MNIMCRAP2020/0011]

Date: Thursday 19th January 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: In person

Issues: Status of the matter

Type of Order: Directions

Result / Order:
[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appeal is fixed for hearing at the Court of Appeal Sitting for the Territory of Montserrat on Thursday 26th January 2023.
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 parties have filed submissions. The Crown does not oppose the appeal and concedes that the fine imposed on the appellant by the Magistrate is

excessive.