

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

SAINT VINCENT AND THE GRENADINES
VIDEOCONFERENCE
Monday, 16th January 2023

Case Name: Venus Davis née Mascoll
V
Doris Phillip
[SVGHCVAP2014/0005]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Joseph Delves
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 of Saint Lucia scheduled for 13th March, 2023 to allow counsel for the appellant and counsel for the respondent to make contact with their clients in relation to the progress of this appeal.

Reason: There is no audio and there are no notes available for this matter. Counsel for the appellant indicated that he did not have his notes of evidence but that he was willing to proceed with the appeal. Counsel for the respondent indicated that as he was not involved in the High Court hearing, he only had instructions for the conduct of the appeal, and he was thus heavily reliant on counsel for the appellant and the court office. Moreover, the judge who heard the matter has passed away.

Both counsels also indicated that they had difficulty in contacting their clients and so the matter was adjourned for both counsels to receive instructions from their clients as to the how to progress the appeal.

Case Name: Alicia Browne
V
RBTT Bank Caribbean Limited
[SVGHCVAP2015/0018]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Art Williams
Respondent: Mr. Akin John

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 10th July 2023, unless a notice of discontinuance is sooner filed.

Reason:

The draft Notice of Discontinuance was served on the respondent in early 2022. However, the respondent has not been in a position to sign to date. The appellant informed the Court that there are elements of the Notice which require that it be signed by the respondent. Counsel for the respondent indicated that they were awaiting confirmation for the position on the issue of costs from the respondent.

Case Name:

Justin Caesar

v

Sybil Coombs

[SVGHCVAP2016/0002]

Date:

Monday 16th January 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 of Saint Vincent

and the Grenadines scheduled for 10th July 2023, unless a notice of discontinuance is sooner filed

Reason: Counsel for the appellant indicated that the notice of discontinuance would be filed within a week.

Case Name: Julian Clarke
v
Veronica Haynes
[SVGHCVAP2016/0008]

Date: Monday 16th January 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:

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 10th July, 2023.
2. The Registrar of the High Court shall serve a copy of this order on the parties personally and shall provide proof of service thereafter.

Reason: The Certificate of Result of Status Hearing dated 13th July 2022 was served on the Appellant on 29th September 2022. The Respondent was not served. A letter was sent to Ministry of Health to ascertain whether or not the respondent was an inmate at that institution, however no response was received.

The appellant has paid almost \$46,850.00 on the debt. The total amount has been just about paid off.

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

Date: Monday 16th January 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 10th July, 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 parties personally and shall provide proof of service thereafter.

Reason:

The Certificate of Result of Status Hearing dated 13th July 2022 was not served on the appellant and the respondent was served via email on 14th July 2022. A letter received from the Chief Immigration Officer indicated that the appellant left the state on 22nd June 2016 and there was no record of his return.

Case Name:

Princess Bibby

v

[1] Anthony Constantine

[2] Kelly-Ann Constantine

[3] Jimmy Constantine

[4] Melvina Constantine

[SVGHCVAP2016/0023]

Date:

Monday 16th January 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mrs. Ronnia Durham-Balcombe

Respondents: 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 of Saint Vincent and the Grenadines scheduled for 10th July 2023 to allow counsel for the appellant to take instructions in relation to the progress of this appeal.

Reason:

Counsel for the appellant indicated that she was now trying to get instructions from the appellant's daughter. Counsel therefore requested that the matter be traversed to the next sitting. Counsel for the respondent did not oppose.

Case Name:

Angus Dennie

V

**Saint Vincent and the Grenadines Small
Business and Microfinance Co-operative
Ltd**

[SVGHCVAP2017/0013]

Date:

Monday 16th January 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:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 28th February 2023.
2. The respondent shall file and serve written submissions with authorities on or before 31st March 2023.
3. The appellant shall file and serve written submissions with authorities in reply, if necessary on or before 21st April 2023.
4. The hearing of the appeal is fixed for the Court of Appeal sitting for the state of Saint Vincent and the Grenadines scheduled for the week commencing 24th July 2023.

Reason:

The record of appeal was filed on 30th June 2021 and the parties requested directions for the progression of the appeal.

Case Name:

**Representatives of the estate of Winston
Richard Knights
v
Leroy Knights**

[SVGHCVAP2018/0002]

Date:

Monday 16th January 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 10th July, 2023, 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.
Case Name:	Solana Gooding v Ashley Ollivierre [SVGHCVAP2018/0005]
Date:	Monday 16th January 2023
Before	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	Appellant: Mrs. Zhing Horne Edwards Respondent: Mr. Art Williams holding papers for Mr. Richard Williams
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 for the Court of Appeal for the state of Saint Vincent and the Grenadines scheduled for 10th July 2023 to allow counsel for the appellant to make further inquiries from the court office in relation to the missing portion of the transcript of proceedings.

Reason:

There was a request made and the transcript was received. However, upon review, mid-way through the defendant's submissions, the recording stopped abruptly. The judge's notes were obtained in relation to that portion of the recording, but it is not very helpful as the judge was operating under an impediment and therefore could not take copious notes. Counsel for the appellant wished to have an opportunity to hold discussions with the court office to see if there was any other recording made in relation to this matter. Counsel for the respondent did not object.

Case Name:

Michael Wyllie
v
[1] Magavon Toby
[2] Dianetta Patrick
[SVGHCVAP2019/0005]

Date:

Monday 16th January 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: **In person**

Respondents: **Ms. Tonya Da Silva holding papers for Mr. Duane Daniel for the 1st respondent**
Ms. Paula David for the 2nd respondent

Issues: The status of the matter

Type of Order: Directions

Result/Order: 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 31st January, 2023.
2. The appellant shall file and serve the record of appeal on or before 17th March 2023.
3. The hearing of the appeal is fixed for the Court of Appeal sitting for the state of Saint Vincent and the Grenadines scheduled for the week commencing 24th July 2023.

Reason: The appellant had filed submissions in the matter and directions were given for the further progression of the appeal.

Case Name: [1] Michelle Fife
[2] Bansyl Kennedy
v
Marvin Mulcare

[SVGHCVAP2019/0008]
[SVGHCVAP2019/0009]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: 1st appellant in person
1st appellant holding papers for Ms. Kay Bacchus-Baptiste for the 2nd appellant

Respondent: Ms. Suzanna 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 of Saint Vincent and the Grenadines scheduled for 10th July 2023, to allow for the appellants to hold discussions with their counsel in relation to the progress of the appeals.

Reason: The appellant requested an adjournment to discuss with counsel Ms. Bacchus-Baptiste as to how the matter should proceed. Counsel for the respondent did not object to the adjournment

Case Name: [1] Stephen Williams
[2] Gellizeua King
v
Kassinda Williams
[SVGHCVAP2019/0013]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Art Williams
Respondent: Ms. Mandella Peters

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellants shall serve the Record of Appeal on the respondent on or before 20th January 2023.
2. The appellants shall file and serve written submissions with authorities on or before 27th February 2023.
3. The respondent shall file and serve written submissions with authorities on or before 31st March 2023.
4. The appellants are at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 21st April 2023.
5. 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 24th July 2023.

Reason: The record of appeal was filed on 13th January 2023, however it was not served on the respondent as yet. Counsel for the appellant indicated that they intended to serve on the respondent by the end of the week. Directions were thus given to progress the appeal.

Case Name:

[1] Michael Luik

[2] Mark Luik

[3] Timothy Luik

v

Sheila George

[SVGHCVAP2019/0018]

Date:

Monday 16th January 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:

Mr. Roderick Jones

Respondent:

Ms. Tonya Da Silva holding papers for Mr. Duane Daniel

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar shall provide the parties with written reasons for her decision on or before 17th February 2023.**
- 2. 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 10th July 2023.**

Reason:

The Registrar indicated that reasons for her decision would be provided and so directions were given to progress the appeal.

Case Name: Sylvia Sutherland
v
[1] Parnell Kerr Foster
[2] Floyd Patterson
[SVGHCVAP2019/0022]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondents: No appearance for the 1st respondent
Mr. Sten Sargeant 2nd respondent

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 10th July 2023.
2. The Registrar shall serve a copy of this order on the appellant and the 1st respondent and shall provide proof of service thereafter.

Reason: The notice of Status Hearing for 16th January 2023 was served on the appellant and 2nd respondent. The 1st respondent was not served.

Case Name:

**Ian Fraser
v
[1] Bruce Brown
[2] Ernest Brown
[SVGMCVAP2019/0003]**

Date:

Monday 16th January 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondents: In person

Issues:

The status of the matter

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. 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 24th July 2023.**
- 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:

Both parties were served to be present. The previous directions given by Court were for the parties to file written submissions in the matter. This order was not complied with. The parties are unrepresented in the matter and whilst they are encouraged to file written submissions they are not obligated to do so.

Case Name: Francis Robinson
v
Tasca Abbott
[SVGMCVAP2019/0006]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	No appearance

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the parties are self-represented and were served to be present but are not, 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 24th July 2023.
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 respondent was served to be present. The bailiff attempted to serve the appellant, but the

appellant refused to sign for service. The document was left at the appellant's feet.

Case Name: Terrance John
V
Ivan Matthews
[SVGMCVAP2020/0007]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Samantha Robertson
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 appellants shall file and serve written submissions with authorities on or before 28th February 2023.
2. The respondent shall file and serve written submissions with authorities on or before 31st March 2023.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 24th April 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 24th July 2023.**

Reason: The parties were present and so directions were
given for the progress of the appeal.

Case Name: **Brenton Carr**
v
Glenroy John

[SVGMCVAP2021/0007]

Date: **Monday 16th January 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 10th July 2023 to allow the parties to**

consult with lawyers regarding their legal representation, if they so desire.

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: Both parties appeared in person and both indicated that they had lawyers. Time was granted for the parties to consult with their lawyers.

Case Name: Webster Woodley
v
The King
[SVGHCRAP2015/0003]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Ms. Renee Simmons holding papers for the Director of Public Prosecutions

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall take the necessary steps to appoint a state attorney to represent the appellant in this appeal.
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 10th July 2023 to allow the respondent to obtain a psychiatric report in relation to the appellant.

Reason: To date no attorney has been appointed by the state to assist the appellant in the appeal. Directions were therefore given for the appellant to be assigned an attorney and the matter was adjourned.

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

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Ms. Renee Simmons holding papers for Mr. Karim Nelson

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall make inquiries from the prisons as to the status of 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 17th February 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 10th July 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 appellant indicated that he made two requests for a state appointed attorney. The court office indicated that they had no record of these letters.

Case Name:

George Franklyn

v

The King

[SVGHCRA2018/0008]

Date:

Monday 16th January 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Renee Simmons holding papers for Ms. Tamika McKenzie

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the Court of Appeal registry with a copy of the Notice of Appeal filed by the appellant on 27th March 2018, by no later than 20th January 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 10th July 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 notice of appeal was filed since 2018, however to date, it has not been forwarded to the Court of Appeal.

Case Name:

Andy Quashie

v

The King

[SVGHCRA2019/0011]

Date:

Monday 16th January 2023

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Jomo Thomas

Respondent:

Ms. Renee Simmons holding papers for Ms. Rose-Ann Richardson

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 28th February, 2023. 2. The respondent shall file and serve written submissions with authorities on or before 31st March 2023. 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary on or before 28th April, 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 24th July 2023.
Reason:	The parties were ready to proceed and so directions were given for the further progression of the appeal.
Case Name:	Kevin Porter v The Commissioner of Police [SVGMCRAP2012/0014]
Date:	Monday 16th January 2023
Before	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	No appearance

Respondent: Ms. Renee Simmons

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. The hearing of the application for the appeal to be dismissed for want of prosecution, filed by the respondent on 15th July 2022 is fixed for hearing at the next Court of Appeal sitting for the state of Saint Vincent and the Grenadines scheduled for the week commencing 24th July 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 respondent filed and served an application for the appeal to be dismissed for want of prosecution. The matter was therefore listed before the full court.

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

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance

Respondent: Ms. Renee Simmons

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 10th July 2023 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 respondent filed an application on 13th July 2022 to have the matter dismissed for want of prosecution, however, the application was not served on the appellant.

Case Name: Randan Matthews
V
The Commissioner of Police
[SVGMCRAP2013/0004]

Date: Monday 16th January 2023

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Renee Simmons

Issues:

The status of the matter

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the application filed by the respondent on 15th July 2022 to dismiss the appeal for want of prosecution, has been served on the appellant, the hearing of the application for the appeal to be dismissed for want of prosecution, is fixed for hearing at the next Court of Appeal sitting for the state of Saint Vincent and the Grenadines scheduled for the week commencing 24th July 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 respondent filed and served an application to dismiss the appeal for want of prosecution. The matter was therefore listed before the full court.