

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING

MATTERS DEALT WITH ON PAPER

Case Name:

Elvin Waltris

v

The King

[GDAHCRAP2022/0007]

(GRENADA)

Date:

Tuesday 29th November 2022

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Appellant/Applicant:

No appearance

Respondent:

No appearance

Issues:

Application for an order of the Court to assign legal aid to the appellant

Type of Order

Decision

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. The application filed on 17th September 2022 seeking an order of the Court to assign legal aid to the appellant is dismissed.

Reason:

The Court considered section 52 of the West Indies Associated States Supreme Court

(Grenada) Act Chap. 336 and was of the view that the appellant had not satisfied the Court that it was in the interest of justice that he be granted legal aid.

Case Name:

Sanjey Newton

v

The King

**[GDAHCRAP2021/0017]
(GRENADA)**

Date:

Tuesday 29th November 2022

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Appellant/Applicant:

No appearance

Respondent:

No appearance

Issues:

Application for an order of the Court to assign legal aid to the appellant

Type of Order

Decision

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed on 22nd September 2022 seeking an order of the Court to assign legal aid to the appellant is dismissed.**

Reason:

The Court considered section 52 of the West Indies Associated States Supreme Court (Grenada) Act Chap. 336 and was of the view that the appellant had not satisfied the Court that it was in the interest of justice that he be granted legal aid.

Case Name:

**Aldin Phillip
v
The King**

**[GDAHCRAP2019/0009]
(GRENADA)**

Date:

Tuesday 29th November 2022

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Applicant: No appearance

Respondent: No appearance

Issues:

Application for an order of the Court to assign legal aid to the applicant – Application for leave to appeal against conviction and sentence

Type of Order

Adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall cause a copy of the application for leave to appeal against conviction and sentence to be served on the Office of the Director of Public Prosecutions and shall provide this Court with proof of service within 7 days of the date of this order.**
- 2. The application for leave to appeal against conviction and sentence filed on 15th July 2019 and the application filed on 26th September 2022 seeking an order of the Court to assign legal aid to the applicant are adjourned for consideration at the next Chamber**

sitting of this Court scheduled for 14th December 2022.

3. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent within 7 days of the date of this order.

Reason: The Court noted that the application for leave to appeal against conviction and sentence had not been served on the respondent.

Case Name: The Commissioner of Police
v
Oval Lake
[SKBMCRAP2022/0004]
(SAINT CHRISTOPHER AND NEVIS)

Date: Tuesday 29th November 2022

Before: The Hon. Mr. Mario Michel, Justice of Appeal

On paper:
Applicant: Mr. Tessaun Vasquez
Respondent: No appearance

Issues: Application for leave to appeal against the sentence imposed on the respondent

Type of Order Adjournment

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall serve a copy of the application for leave to appeal against sentence on the respondent and provide the

- Court with proof of such service within 7 days of the date of this order.
2. The applicant shall furnish the Court with the minute of conviction and sentence of the respondent within 7 days of the date of this order.
 3. The application for leave to appeal against the sentence imposed on the respondent is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 14th December 2022.

Reason:

The Court noted that the applicant had not provided proof of service of the application on the respondent and that the applicant had not furnished the Court with a copy of the minute of conviction and sentence of the respondent.

Case Name:

Shawn Richards

v

Nigel Carty

[SKBHCVAP2019/0021]

(SAINT CHRISTOPHER AND NEVIS)

Date:

Tuesday 29th November 2022

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Applicant: Mr. Terence Victor Byron

Appellant: No appearance

Respondent: No appearance

Issues:

Application to be removed as attorney on record for the appellant

Type of Order

Adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall serve only a copy of the notice of application to be removed from the record on the respondent and furnish this Court with proof of such service within 7 days of the date of this order.**
- 2. The application to be removed from the record as legal practitioner acting for the appellant is adjourned for consideration at the next Chamber sitting of this Court scheduled for 14th December 2022.**

Reason:

The Court noted that there was no proof of service of the application on the respondent.

Case Name:

[1] Samuel David Samuel

[2] Osborne Hewitt

v

George Reynold Scotland

[SVGHCVAP2019/0023]

(SAINT VINCENT AND THE GRENADINES)

Date:

Tuesday 29th November 2022

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Appellants/Respondents: No appearance

Respondent/Applicant: Ms. Patricia Marks-Minors

Issues: Application for an extension of time to file written submissions and authorities – Application for relief from sanctions

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:
1. The respondent shall serve a copy of the application on the appellants within 7 days of the date of this order and shall provide proof of service thereof.
2. The application for an extension of time and for relief from sanctions is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 14th December 2022.

Reason: The Court noted that there was no proof of service of the application on the appellants/respondents.

Case Name: Cassel Lavia
v
The King

[SVGHCRAP2022/0012]
(SAINT VINCENT AND THE GRENADINES)

Date: Tuesday 29th November 2022

Before: The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Appellant/Applicant: No appearance

Respondent: No appearance

Issues: Application for the Court to appoint an attorney to assist the appellant in his appeal

Type of Order Adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The appellant shall provide this Court with an affidavit evidencing his financial means within 7 days of the date of this order.
2. The application by way of letter seeking legal aid is adjourned for consideration at the next Chamber sitting of this Court scheduled for 14th December 2022.
3. The Registrar of the High Court shall serve a copy of this order on the appellant and on the Office of the Director of Public Prosecutions and provide this Court with proof of service thereof.

Reason: The Court noted that the appellant/applicant had not provided evidence of his financial means.

Case Name:

**[1] Tensigma Limited
[2] Julian Svirsky
[3] Denis Donin
[4] Digital Asset Exchange Limited
v
Arman Oyekenov**

**[BVIHCMAP2021/0039]
[BVIHCMAP2021/0040]
[BVIHCMAP2021/0046]
[BVIHCMAP2022/0005]
(TERRITORY OF THE VIRGIN ISLANDS)**

Date: Tuesday 29th November 2022

Before: The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Applicant:	Appleby (BVI) Limited
1st Appellant:	Bedell Cristin (BVI) Partnership
2nd and 3rd Appellants:	No appearance
4th Appellant:	Appleby (BVI) Limited
Respondent:	Carey Olsen

Issues: Application to be removed from the record as attorney for the 2nd and 3rd appellants – Application for a seal and gag order – Application for service on the 2nd and 3rd appellants by email be deemed good service

Type of Order Decision

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Service of the application filed by Appleby (BVI) Limited via email on the second and third appellants/defendants is deemed to be good service.
2. The application by Appleby (BVI) Limited to be removed from the record as acting for the second and third appellants/defendants is granted.
3. Appleby (BVI) Limited is removed from the record as acting for the second and third appellants/defendants.
4. The application by Appleby (BVI) Limited that the affidavit of Laure-Astrid Wigglesworth and exhibit LAW-1 be sealed on the Court's file and not be made available to the respondent/claimant, to the Liquidator of the first appellant/defendant or anybody else for inspection is granted.

5. Appleby (BVI) Limited shall serve a copy of this order on the second and third appellants/defendants and shall provide proof of service thereof.

Reason:

The Court considered rule 63.6 of the Civil Procedure Rules 2000 and found that the applicant Appleby (BVI) Limited had satisfied the Court that they should be removed from the record as acting for the 2nd and 3rd appellants. The Court also considered the principles concerning seal and gag orders as formulated by Lord Woolf MR in R v Legal Aid Board, ex parte Kaim Todner [1999] QB 966 and by Lord Reed in A v British Broadcasting Corp. [2014] UKSC 25, [2015] AC 588 and found that the applicant had met the threshold for the grant of the seal and gag order.

Case Name:

[1] Tensigma Limited
[2] Julian Svirsky
[3] Denis Donin
[4] Digital Asset Exchange Limited
v
Arman Oyekenov

[BVIHCMAP2022/0005]
(TERRITORY OF THE VIRGIN ISLANDS)

Date:

Tuesday 29th November 2022

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

On paper:

Applicant: Bedell Cristin (BVI) Partnership
1st Appellant: No appearance
2nd, 3rd and 4th Appellants: Appleby (BVI) Limited

Respondent: Carey Olsen

Issues: Application to be removed from the record as attorney for the 1st appellant – Application for a seal and gag order – Application for service on the 2nd, 3rd and 4th appellants and on the respondent by email be deemed good service

Type of Order Adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Bedell Cristin (BVI) Partnership shall serve a copy of the affidavit filed on 30th September 2022, together with exhibit EF-1, on the first appellant/defendant within 7 days of the date of this order and shall provide proof of service thereof.
2. The application filed by Bedell Cristin (BVI) Partnership on 2nd November 2022 to be removed from the court record as legal practitioners acting for the first appellant/defendant is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 14th December 2022.

Reason: The Court noted that there was no proof of service of the affidavit in support of the application to be removed from the record on the 1st appellant.