

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT CHRISTOPHER AND NEVIS
VIDEOCONFERENCE

Monday, 15th March 2021

Case Name: **Dwight Wilson**
v
The Queen
[SKBHCRAP2016/0002]

Date: **Monday, 15th March 2021**

Before: **Mr. Carlos Michel, Chief Registrar [Ag.]**

Appearances:
Appellant: **Ms. Zoie Hamilton Amicus Curiae**
Respondent: **Ms. Greatess Gordon**

Issues: **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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: **The record of appeal was filed on 10th December 2020. Ms. Hamilton sought an adjournment in order to seek further instructions from the appellant. There was no opposition by counsel for the respondent.**

Case Name: Jason Liddie
v
The Queen
[SKBHCRA2019/0004]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:
Appellant: In person, unrepresented
Respondent: Ms. Greatess Gordon

Issues: 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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021 so that the appellant may seek legal representation.

Reason: The appellant requested more time to settle his legal representation since he was in discussions to retain Mr. Vaughn Hendrickson. The record of appeal has been prepared.

Case Name: Kevin Merchant
v

The Queen
[SKBHCRAP2019/0001]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: In person, unrepresented

Respondent: Ms. Greatess Gordon

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 14th April 2021.
2. The respondent shall file and serve written submissions with authorities on or before 13th May 2021.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply, if necessary, on or before 28th May 2021.
4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Federation of Saint Christopher and Nevis during the week commencing 12th July 2021.
5. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and shall provide proof of service thereafter.

Reason: The appellant indicated that he does not wish to retain an attorney and would like to proceed in person. The transcript has been prepared. Directions were necessary to further matter.

Case Name:

**Karin Colt
v
Gary Colt
[SKBHCVAP2017/0024]**

Date:

Monday, 15th March 2021

Before:

Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: Ms. Kurlyn Merchant

Respondent: Ms. Marlene Uter Bent

Issues:

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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021, unless a consent order is sooner filed.

Reason:

On the previous occasion counsel for the parties had discussions on how to proceed with the disposal of the matter. However, the parties have not arrived at a consensus. Counsel for the appellant suggested a certain course of action for her client to return to the High Court. Counsel for the respondent wishes to await instructions after counsel for the appellant has discussions with her client, failing which the parties will undertake necessary steps for their clients. This includes filing a notice of discontinuance and returning to the High Court if the parties cannot arrive at a consensus order.

Case Name: **Leeward Media Group Limited**
v
A. Michael Perkins
[SKBHCVAP2012/0011]

Date: **Monday, 15th March 2021**

Before: **Mr. Carlos Michel, Chief Registrar [Ag.]**

Appearances:
Appellant: **Ms. Angela Cozier**
Respondent: **Mr. Brian Barnes**

Issues: **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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021 to allow for further inquiries to be made on the progress of the production of the transcript of proceedings.

Reason: **The High Court indicated that the transcript has not been prepared. Given the format of the tapes, they were to be sent to Saint Lucia to be transcribed. Therefore, a further adjournment was necessary to facilitate preparation of the transcript.**

Case Name: **The Attorney General of the Federation of St.
Christopher and Nevis
v
SKN Choice Times Limited
[SKBHCVAP2019/0045]**

Date: **Monday, 15th March 2021**

Before: **Mr. Carlos Michel, Chief Registrar [Ag.]**

Appearances:

Appellant: **Mr. Terence Byron**

Respondent: **Ms. Angela Cozier**

Issues: **Status of the matter**

Type of Order: **Directions**

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

- 1. The appellant shall serve a copy of the transcript of the proceedings on the respondent on or before 19th March 2021.**
- 2. The parties shall settle the documents they wish to include in the core bundle on or before 6th April 2021.**
- 3. The appellant shall file and serve the Record of Appeal on or before 27th April 2021.**
- 4. The appellant shall file and serve written submissions with authorities on or before 14th May 2021.**
- 5. The respondent shall file and serve written submissions with authorities on or before 15th June 2021.**
- 6. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 30th June 2021.**
- 7. The matter is fixed for hearing at the next sitting of the Court of Appeal for the Federation of Saint Christopher and Nevis during the week commencing 12th July 2021.**

Reason: The appellant outsourced the preparation of the transcript of proceedings and the transcript has been prepared. Counsel for the appellant proposed to have the record of appeal prepared within 4 weeks and to make the transcript available to the appellant.

Case Name: The Attorney General of St. Christopher and Nevis
v
Jahmana Walters
[SKBHCVAP2020/0026]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: Ms. Rivi Lake

Respondent: Ms. Marsha Henderson

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:
The matter is adjourned to the next status hearing of the Court of Appeal for the Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: Counsel indicated that no evidence was led at the hearing. The matter was heard in Chambers and the matter was heard on paper. Submissions were presented to the Court on a particular issue of law. Therefore, notes of evidence are outstanding. The parties need to take the necessary steps to obtain the record of the proceedings.

Case Name: **The Commissioner of Police**
v
[1] Kirk Hendrickson
[2] Kerry Laws Seetahan
[SKBMCRAP2017/0001]

Date: **Monday, 15th March 2021**

Before: **Mr. Carlos Michel, Chief Registrar [Ag.]**

Appearances:

Appellant: **N/A**

Respondents: **N/A**

Issues: **Status of the matter**

Type of Order: **N/A**

Result / Order: **N/A**

Reason: **A notice of discontinuance was filed by the appellant on 20th October 2020.**

Case Name: **Anthony Morton**
v
Shalimar Williams
[SKBMCRAP2018/0008]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: Ms. Zoie Hamilton holding papers for Ms. Renal Edwards

Respondent: Ms. Olabisi Clouden

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Senior Magistrate shall continue all efforts to cause the record of appeal in this matter to be prepared and served on or before 16th April 2021.
2. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: The appellant has not received that record of appeal.

Case Name:

Simoneth Williams
v
The Comptroller of Customs
[SKBMCRAP2019/0006]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: Mr. Terence Byron; Ms. Zoie Hamilton Amicus Curiae

Respondent: Ms. Greatess Gordon

Issues: 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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: Mr. Terence Byron indicated that he filed 4 applications on 5th March 2021 to be removed from acting as solicitor for the appellant. Instructions are not complete in the matter. Counsel indicated that as far as he is aware the appellant is a medical student who is studying in Cuba. It was also noted that issue of representation was to be settled.

Case Name: Simoneth Williams
v
The Comptroller of Customs
[SKBMCRAP2019/0006]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:
Appellant: Mr. Terence Byron; Ms. Zoie Hamilton Amicus Curiae
Respondent: Ms. Greatess Gordon

Issues: 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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: Mr. Terence Byron indicated that he filed 4 applications on 5th March 2021 to be removed from acting as solicitor for the appellant. Instructions are not complete in the matter. Counsel indicated that as far as he is aware the appellant is a medical student who is studying in Cuba. The issue of representation is to be settled.

Case Name: Simoneth Williams
v
The Comptroller of Customs
[SKBMCRAP2019/0007]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:
Appellant: Mr. Terence Byron; Ms. Zoie Hamilton Amicus Curiae
Respondent: Ms. Greatess Gordon

Issues: 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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: Mr. Terence Byron indicated that he filed 4 applications on 5th March 2021 to be removed from acting as solicitor for the appellant. Instructions are not complete in the matter. Counsel indicated that as far as he is aware the appellant is a medical student who is studying in Cuba. The issue of representation is to be settled.

Case Name: Simoneth Williams
v
The Comptroller of Customs
[SKBMCRAP2019/0008]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appearances:
Appellant: Mr. Terence Byron; Ms. Zoie Hamilton Amicus Curiae
Respondent: Ms. Greatess Gordon

Issues: 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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: Mr. Terence Byron indicated that he filed 4 applications on 5th March 2021 to be removed from acting as solicitor for the appellant. Instructions are not complete in the matter. Counsel indicated that as far as he is aware the appellant is

a medical student who is studying in Cuba. The issue of representation is to be settled.

Case Name: Simoneth Williams
V
The Comptroller of Customs
[SKBMCRAP2019/0009]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:
Appellant: Mr. Terence Byron; Ms. Zoie Hamilton Amicus Curiae
Respondent: Ms. Greatess Gordon

Issues: 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 Federation of Saint Christopher and Nevis scheduled for 5th July 2021.

Reason: Mr. Terence Byron indicated that he filed 4 applications on 5th March 2021 to be removed from acting as solicitor for the appellant. Instructions are not complete in the matter. Counsel indicated that as far as he is aware the appellant is a medical student who is studying in Cuba. The issue of representation is to be settled.

Case Name: **Nagico Insurance Company Ltd.**
v
Carino Hamilton Development Company Ltd
[SKBMCVAP2018/0008]

Date: **Monday, 15th March 2021**

Before: **Mr. Carlos Michel, Chief Registrar [Ag.]**

Appearances:
Appellant: **Ms. Jordanne Ebanks**
Respondent: **No appearance**

Issues: **Status of the matter**

Type of Order: **Directions**

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

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Federation of Saint Christopher and Nevis scheduled for 5th July 2021 to allow for service of the notice of hearing on the respondent.
2. The Registrar of the High Court shall serve a copy of this order on the respondent and shall provide proof of service thereafter.

Reason: **It was brought to the Court's attention that the record of appeal has been prepared and written submissions have been filed by appellant and was served on the attorney for the respondent. However, the last status hearing Order of the Court was not served on the respondent since the Bailiff has not able to serve the respondent.**

Case Name:

**Joel Caines
v
Lloyd Williams
[SKBMCVAP2018/0020]**

Date:

Monday, 15th March 2021

Before:

Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Eustace Nisbett

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Federation of Saint Christopher and Nevis scheduled 5th July 2021 for the appellant to attend and indicate whether he wishes to prosecute this 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:

Mr. Nisbett has not been instructed by the respondent but is assisting the Court. Mr. Nisbett informed the Court that to date the notice of appeal has not been served on the respondent. The respondent, Mr. Williams has been out of the jurisdiction since 7th May 2019. The record of appeal was served on the appellant however, the record has not been served on the respondent. There is no indication as to whether the appellant was served with the last status hearing order.

Case Name: Kevaughn Adams
v
Stanley Wade
[SKBMCVAP2016/0004]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: Mr. John Cato on record

Respondent: Ms. Marsha Henderson holding papers for Mr. Hesketh Benjamin

Issues: 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 14th April 2021.
2. The respondent shall file and serve written submissions with authorities on or before 13th May 2021.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply, if necessary, on or before 28th May 2021.
4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Federation of Saint Christopher and Nevis during the week commencing 12th July 2021.
5. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and provide proof of service thereafter.

Reason: The record of appeal was filed on 31st January 2020. The matter came up for status hearing for the first time, therefore directions were necessary to further the matter.

Case Name: Dwight “Dangles” Walters
v
Comptroller of Customs
[SKBMCVAP2018/0008A]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: No appearance

Respondent: Ms. Nisharma Rattan Mack

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Federation of Saint Christopher and Nevis scheduled for 5th July 2021 to allow for the appellant to be served with the notice of hearing.
2. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and shall provide proof of service thereafter.

Reason: The Court noted that record of appeal was filed on 27th November 2018. The Court Office has been unable to serve the appellant with notice as the appellant cannot be located. The Office of the Attorney General has also been trying to locate the appellant but have been unsuccessful. The Court noted that the Office of the Attorney General may wish to take a certain course of action.

Case Name: Otis French
v
Dujon Bassue trading as High Tech Solutions
[SKBMCVAP2018/0019]

Date: Monday, 15th March 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Appearances:

Appellant: In person

Respondent: Ms. Zoie Hamilton

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is fixed for hearing at the next sitting of the Court of Appeal for the Federation of Saint Christopher and Nevis on Friday, 26th March 2021 at 9:00 a.m.
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 appellant indicated that he had already paid the monies in this matter. The matter came before the magistrate, he showed up at court 2 days after the hearing. The matter therefore proceeded in his absence. Magistrate ordered the appellant to pay a fine and the fine has already been paid. The appellant indicated that he may be ready to proceed, based on what issues may come on appeal.