

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

SAINT LUCIA
VIDEOCONFERENCE
Monday, 30th May 2022

Case Name: **Evariste Ambrose**
v
Antoine Baptiste
[SLUHCVAP2015/0029]

Date: **Monday, 30th May 2022**

Before **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Appellant:	Mrs. Wauneen Louis-Harris
Respondent:	Ms. Leandra Verneuil

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 Saint Lucia scheduled for 28th November, 2022 to allow counsel for the appellant to take instructions from the appellant as to how to proceed with this matter.

Reason: The respondent is deceased. Counsel for the respondent is still unable to get representation on behalf of the respondent's estate. Counsel for the appellant has informed the appellant of the difficulty in proceeding with the matter but the appellant has not indicated that he did not wish to proceed with the appeal. Counsel for the appellant therefore requested an adjournment of the matter so as to determine how the matter should proceed. Counsel for the respondent did not object to the adjournment.

Case Name: Lazarus Paul
V
[1] Rachel Willie-Trotman
[2] Douglas Trotman
[3] Teferi Trotman
[SLUHCVAP2017/0049]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Gerard Williams
Respondents: Mrs. Wauneen Louis-Harris

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 Saint Lucia scheduled for 28th November 2022 to allow the parties to continue settlement discussions.

Reason:

Counsel for both sides have been engaged in settlement discussions. Counsel for both sides therefore requested an adjournment of the matter to continue these discussions and to determine a way forward with the matter.

Case Name:

Mattaniah Charlemagne

V

**Saint Lucia National Housing Corporation
(formerly St. Lucia Housing Authority)**

[SLUHCVAP2019/0018]

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Mrs. Edith Petra Jeffrey-Nelson

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 Saint Lucia scheduled for 28th November 2022 for the**

appellant to provide proof of service of the Notice of Appeal and the authorization code on the respondent.

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:

Notice of availability of the transcript had been filed in the matter, but nothing further. Counsel for the respondent indicated that she had not been served with the notice of appeal or the authorization code. Counsel indicated that she also wrote to the court administrator of the E-litigation portal requesting the code but was told that that she needed the information from counsel for the appellant. The Court noted that service on the respondent needed to be regularized first, before the matter could proceed.

Case Name:

James Jacques Valton

v

**Heirs of Simeon Cherry represented by Earl
Huntley**

[SLUHCVP2019/0009]

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wayne Harrow

Respondent: Mr. Eghan Modeste

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 Saint Lucia scheduled for 28th November 2022, unless a Notice of Discontinuance is sooner filed.

Reason: Counsel for the appellant indicated that a notice of discontinuance had been filed at the high court, but that he did not have the authorization code to file the notice via the E-litigation portal. Counsel therefore requested an adjournment of the matter to retrieve the code in order to file the notice. Counsel for the respondent had no objection to this.

Case Name: Luvina Joseph
v
[1] William Gomez
[2] Albert Gomez
[SLUHCVP2018/0030]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance

Respondents: 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 Saint Lucia scheduled for 28th November 2022, unless a Notice of Discontinuance is sooner filed.
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:

Counsel on record for the respondent is recently deceased and there was no appearance on behalf of the appellant. The matter was therefore adjourned due to the non-appearance of either side.

Case Name:

**[1] Caribbean Agricultural and
Manufacturing Industries Limited (CAAMIL)
[2] Karen Singh
v
Kimlan Mason
[SLUHCVAP2018/0003]**

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Gerard Williams

Respondent: No appearance

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 Saint Lucia scheduled for 28th November 2022, unless a Notice of Discontinuance is sooner filed.

Reason:

Counsel for the appellants indicated that he would be filing a notice of discontinuance in the matter. The matter was therefore adjourned to allow for the filing of the notice.

Case Name:

Ruth Narcisse

v

Rasheiki Adolph

[SLUHCVP2017/0004]

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

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 Saint Lucia scheduled for 28th November 2022.
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: There was no appearance for either party and so the matter was adjourned.

Case Name: Mathilda Nelson
v
Alexis Alcide
[SLUHC VAP2018/0002]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Dexter Theodore QC
Respondent: Mrs. Wauneen Louis-Harris

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is removed from the status hearing list until a representative has been appointed for the respondent.

Reason: The respondent is deceased. Counsel for the respondent indicated that an application had been made in the high court for letters of administration in the deceased's estate, however no application was made under Part 21 of the Civil Procedure Rules 2000 for the appointment of a representative to continue the proceedings on behalf of the deceased. Counsel for the appellant indicated that if nothing further is done as regards representation for the deceased's estate by the end of June, the appellant would be making an application to the Court of Appeal.

Case Name: Alexis Alcide
v
Mathilda Nelson
[SLUHCVAP2021/0006]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mrs. Wauneen Louis-Harris
Respondent: Mr. Dexter Theodore QC

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is removed from the status hearing list until the court has been informed of the appointment of a representative for the appellant.

Reason:

The appellant is deceased. Counsel for the appellant indicated that an application had been made in the high court for letters of administration in the deceased's estate, however no application was made under Part 21 of the Civil Procedure Rules 2000 for the appointment of a representative to continue the proceedings on behalf of the deceased. Counsel for the respondent indicated that if nothing further is done as regards representation for the deceased's estate by the end of June, the respondent would be making an application to the Court of Appeal.

Case Name:

Romauld Harte

v

Perry Longville

[SLUMCVAP2018/0001]

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: No appearance

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The Senior Magistrate shall cause the Record of Appeal including the Notes of Evidence and the reasons for decision to be prepared and served on the parties by no later than 16th September 2022, failing which the Senior Magistrate shall provide affidavit evidence of the reason for non-compliance.
2. The matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 28th November 2022.
3. 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 record of appeal is still pending in the matter and so directions were made for the Senior Magistrate to cause the same to be prepared.

Case Name:

Hollinda Allen Arthur

v

Raymond Volney

[SLUMCVAP2018/0002]

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues:

The status of the matter

Type of Order: Adjourment

Result/Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 28th November 2022 to allow the Registrar of the High Court to serve the parties with the record of 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 record of appeal was filed but service on both parties was still pending. Neither party was present at the hearing and so the matter was adjourned.

Case Name: Kendall Caul
v
The Queen
[SLUHCRA2017/0007]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person Mr. Maurice Compton appearing amicus curiae for the Legal Aid Department
Respondent:	Mrs. Tanya Alexis-Francis

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 Saint Lucia scheduled for 28th November, 2022 to allow the appellant to make an application for a state attorney to be appointed to assist him with 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 appellant does not have legal representation. Mr. Maurice Compton of the Legal Aid Department indicated that by letter dated 26th May 2022 the Legal Aid Board had informed the Court of a request for a moratorium on assigning further murder briefs.

The appellant was informed that if he was unable to afford an attorney he could write to the Court and ask the Court to appoint a state attorney to represent him. He indicated that he had written previously but the Court was not in receipt of such correspondence. He was informed to make a further request.

Case Name:

Simon Marius

v

The Queen

[SLUHCRA2017/0002]

Date:

Monday, 30th May 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person
Respondent: Mrs. Tanya Alexis-Francis

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 Saint Lucia scheduled for 28th November 2022 to allow the Registrar of the High Court to continue efforts to retrieve a copy of the record of appeal in this matter and to serve the same on the appellant.
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 Registrar of the High Court advised that, pursuant to the court's order that an attorney from the roster of attorneys be appointed to represent the appellant, Mr. David Francis was appointed. The Court was informed that the registry had been trying to contact the appellant's previous attorney to retrieve the Record of Appeal used in the previous appeal filed by the appellant. Counsel for the respondent indicated that searches would also be made on their end as well to retrieve their copy of the record.

Case Name: **Barry McMillan Hunte**
v
The Queen
[SLUHCRA2020/0002]

Date: **Monday, 30th May 2022**

Before **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellant: **In person**
Respondent: **Mrs. Tanya Alexis-Francis**

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 Saint Lucia scheduled for 28th November 2022 to allow the appellant to provide an update in relation to his legal representation.**
- 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 Court received correspondence on 8th May 2022 whereby the appellant requested that he be appointed a state attorney to assist him with his appeal. The application is set to be put before a single judge. The appellant however indicated that he is in discussions with an attorney who may be able to assist him with his appeal and he asked that**

the application be put on hold until such matters are finalized.

Case Name: Jabez Frederick
V
PC 600 St. Aimee
[SLUMCRAP2014/0015]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mrs. Tanya Alexis-Francis

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 Saint Lucia scheduled for 28th November 2022 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 has not been filed and the court registry has indicated its difficulty in locating

the appellant for service. The matter was therefore adjourned.

Case Name: Ian Paul
V
SPC 144 Leon
[SLUMCRAP2018/0003]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Mrs. Tanya Alexis-Francis

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 Distinct Court in relation to the provision of the electronic notes of evidence produced in this matter and shall update the court and the parties accordingly.
2. The matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 28th November 2022, for update.
3. 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 electronic notes are outstanding. Counsel for the respondent indicated that she would make the necessary enquiries as to the electronic notes from the magistrate.

Case Name: Wilfred Karl Daniel
v
The Queen
[SLUMCRAP2018/0007]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mrs. Tanya Alexis-Francis

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Senior Magistrate shall cause the Record of Appeal to be prepared and served on the parties on or before 1st November, 2022,

failing which an affidavit giving reasons for the non-compliance shall be filed.

2. The matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 28th November, 2022.
3. 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 record of appeal is still pending in the matter. There has been no affidavit from the Senior Magistrate giving reasons for non-compliance with the previous status hearing order.

Case Name: Sgt. Hilary Emmanuel 305
v
Shaun Joseph SPC 168
[SLUMCRAP2016/0011]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mrs. Tanya Alexis-Francis
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 Saint Lucia scheduled for 28th November, 2022 to allow 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 respondent and shall provide proof of service thereafter.

Reason: Counsel for the appellant indicated that she would make enquiries as to whether or not the appellant was still interested in prosecuting the appeal.

Case Name: Robert Joseph
v
Commissioner of Police
[SLUMCRAP2019/0003]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mrs. Tanya Alexis-Francis

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 Saint Lucia scheduled for 28th November 2022 to allow 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 appellant and provide proof of service thereafter.

Reason: Counsel for the appellant was absent and could not give an update as to the status of this appeal.

Case Name: Lon Octave
v
WPC 816 Mangal
[SLUMCRAP2018/0004]
[SLUMCRAP2018/0005]

Date: Monday, 30th May 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Carlton Amsterdam
Respondent: Mrs. Tanya Alexis-Francis

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 efforts to ascertain whether the proceedings in the court below were recorded and are retrievable and shall provide an update to the parties and the court on or before 8th July 2022.
2. The matter is adjourned to the next status hearing of the Court for Saint Lucia scheduled for 28th November 2022 to allow the appellant to indicate how he intends to proceed with the matter.

Reason:

Counsel for the appellant indicated that he went through the transcript but took issues with certain aspects of it. Counsel for the respondent indicated that she would need to seek the assistance of counsel who had conduct of the matter in the lower court to deal with this issue. Counsel for both sides agreed to an adjournment to rectify these issues.