

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT LUCIA
VIDEOCONFERENCE
Tuesday, 2nd November 2021

Case Name: Kendall Caul
v
The Queen

[SLUHCRA2017/0007]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	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 the 1st March 2022 to allow the registrar of the High Court to seek an update from the Legal Aid Board on the status of the appellant's application for legal aid.

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:

Counsel indicated that the appellant has filed an application for legal aid which is before the Legal Aid Board. However, before the appellant's application could have been determined the Board was disbanded and then reconstituted. Consequently, the appellant's application has yet to be determined.

Case Name:

Neil Wilson

v

The Queen

**[SLUHCRA2018/0001]
(Saint Lucia)**

Date:

Tuesday 2nd November 2021

Before:

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

Appearances:

Appellant:

**Mr. Maurice Compton appearing amicus
curiae for the Legal Aid Department**

Respondent: Mrs. Tayna Alexis-Francis

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting the indication from the appellant that he is no longer interested in prosecuting his appeal, the appeal is hereby withdrawn and dismissed.

Reason: The appellant indicated to the Court that he was no longer interested in pursuing the appeal. There was no objection from counsel for the respondent.

Case Name: Grant Lionel
v
The Queen

[SLUHCRA2019/0004]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

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: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting the indication from the appellant that he is no longer interested in prosecuting his appeal, the appeal is hereby withdrawn and dismissed.

Reason: The appellant indicated to the Court that he was no longer interested in pursuing the appeal. Counsel for the respondent had no objections to this.

Case Name: Sherrington Burnie Preville
v
The Queen
[SLUHCRA2019/0001]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: 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: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall make an application to the Court in writing for the waiver of the transcript fees in this matter and for the appointment of a state attorney to represent him for the appeal.
2. The matter is adjourned to the next status hearing of the Court of Appeal for Saint Lucia scheduled for the 1st March 2022.

Reason: The appellant wrote to the Legal Aid Board requesting assistance with the payment of the transcript. The Legal Aid Board, in turn, wrote to the registrar of the High Court asking for this consideration to be made by the High Court.

Case Name:

Bryan St. Martin

v

The Queen

[SLUHCRA2019/0002]

(Saint Lucia)

Date:

Tuesday, 2nd November 2021

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: 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 the 1st March 2022 to allow for an update on the Appellant's legal aid status.**
- 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: Counsel indicated that there was uncertainty as to whether or not the appellant had been granted legal aid. Counsel requested time to seek additional clarity on this issue.

Case Name: Simon Marius
v
The Queen
[SLUHCRA2017/0002]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: In person
Respondent: Ms. Tanya Alexis-Francis

Issues: Criminal Appeal - Appeal against sentence - Application for the waiver of the cost of the transcript of proceedings

Type of Order: Oral Decision

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application is dismissed.

Reason:

The appellant applied for a waiver of the cost of the transcript of proceedings in relation to his appeal against sentence, his appeal against conviction having been dismissed in 2012. The Court was of the view that the record of appeal used in 2012 in relation to the appeal against conviction would be the same record which would be relevant for the appeal against sentence. In those circumstances, there was no need to order a waiver of fees for the same transcript which would have been given to his then lawyer.

Case Name:

Simon Marius

v

The Queen

**[SLUHCRA2017/0002]
(Saint Lucia)**

Date:

Tuesday, 2nd November 2021

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:**

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall make an application to the Court in writing for the appointment of a State Attorney to represent him for the appeal.**
- 2. The registrar of the High Court shall assist the appellant in retrieving a copy of the transcript of proceedings from his lawyer in the previous appeal.**
- 3. The matter is adjourned to the next status hearing of the Court of Appeal for Saint Lucia scheduled for the 1st March 2022.**

Reason:

The appellant was unrepresented in this matter but requested that the Court appoint Ms. Donna Jacoby as his attorney.

Case Name:

Barry McMillan Hunte

v

The Queen

**[SLUHCRA2020/0002]
(Saint Lucia)**

Date:

Tuesday, 2nd November 2021

Before:

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

Appearances:

Appellant: No appearance of the appellant as he was in quarantine

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 the 1st March 2022 to allow the Appellant to be present to indicate the position 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 appellant was in quarantine and there was no indication as to his legal representation.

Case Name:

**Jabez Frederick
v
The Police
PC 600 St. Aimee**

**[SLUMCRAP2014/0015]
(Saint Lucia)**

Date:

Tuesday, 2nd November 2021

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 the 1st March 2022 for the appellant 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: **There was no appearance of the appellant who was served to be present at the hearing.**

Case Name: **Ian Paul
v
The Police
SPC 144 Leon
[SLUMCRAP2018/0003]
(Saint Lucia)**

Date: **Tuesday, 2nd November 2021**

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

Appearances:
Appellant: **Mr. Jeannot Michel-Walters**
Respondent: **Mrs. Tanya Alexis-Francis**

Issues: **The status of the matter**

Type of Order: **Directions**

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

1. Counsel for the appellant shall make enquiries from the District Court in relation to the provision of the electronic notes of evidence produced in this matter and shall update the Court and the respondent accordingly.
2. The matter is adjourned to the next status hearing of the Court of Appeal for Saint Lucia scheduled for the 1st March 2022 for update.

Reason: The record of appeal is yet to be prepared in this matter.

Case Name: Wilfred Karl Daniel
v
The Police
[SLUMCRAP2018/0007]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

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 the 14th January 2022 failing which an affidavit giving reasons for 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 the 1st March 2022.**
- 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:

There was no indication that the appellant was served personally with the Notice to be present at the hearing.

Case Name:

Sgt. Hilary Emmanuel 305

v

Shaun Joseph SPC 168

**[SLUMCRAP2016/0011]
(Saint Lucia)**

Date:

Tuesday, 2nd November 2021

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, including the transcript of proceedings and reasons for decision to be prepared and served on the parties by no later than 14th January 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 the 1st March 2022.
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 yet been prepared in this matter. The appellant was only served to be present on 1st November 2021, which was not sufficient time.

Case Name: Cervin Niven Griffin
v
The Police CPL 571 Lesporis
[SLUMCRAP2017/0004]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

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, including the transcript of proceedings and reasons for decision to be prepared and served on the parties by no later than 14th January 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 the 1st March 2022.
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 was unable to be found to be served with the notice of today's hearing.

Case Name: Robert Joseph
v
The Police Corporal 253 Joseph
[SLUMCRAP2019/0003]
(Saint Lucia)

Date: Tuesday, 2nd November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Natalie Da Breo

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 the 1st March 2022 for the appellant 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:

Counsel for the appellant indicated that she had not been in touch with the appellant.

Case Name:

**Lon Octave
v
WPC 816 Mangal**

**[SLUMCRAP2018/0004]
[SLUMCRAP2018/0005]
(Saint Lucia)**

Date:

Tuesday, 2nd November 2021

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 senior magistrate shall cause a supplemental record of appeal to be prepared including the questions posed to the virtual complainant and her mother for examination in chief and cross examination by no later than the 14th January 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 the 1st March 2022.

Reason: Counsel for the appellant indicated that certain questions which had been asked during examination in chief and cross examination were not present in the record of appeal.

Case Name:

Baston Duncan

v

The Police

[SLUMCRAP2018/0015]

(Saint Lucia)

Date:

Tuesday, 2nd November 2021

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. David Moyston

Respondent: Mrs. Tanya Alexis-Francis

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. If the appellant is no longer interested in prosecuting this appeal, the appellant shall take the necessary steps to discontinue the appeal on or before the 31st December 2021.**
- 2. If the appellant is interested in prosecuting this appeal, the appellant shall file and serve written**

submissions with authorities on or before the 31st January 2022.

3. The respondent is at liberty to file and serve supplemental written submissions, if necessary, on or before the 15th February 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing the 7th March 2022.

Reason: Counsel for the appellant indicated that the appellant had medical issues and he had not yet spoken with the appellant.

Case Name:

Cliff Williams

v

Mary John

**[ANUHCVP2020/0015]
(Antigua and Barbuda)**

Date: Tuesday, 2nd November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Sylvester Carrott

Respondent: Mr. Rushaine Cunningham

Issues: The status of the matter

**Type of
Order:**

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall make the necessary arrangements with the registrar of the High Court for the preparation of the transcript of proceedings.**
- 2. The registrar of the High Court shall make every effort to prepare the transcript of proceedings in this matter and serve the same on the parties.**
- 3. The matter is removed from the status hearing list pending the availability of the transcript.**
- 4. The matter will be relisted at the next status hearing for Antigua and Barbuda upon the availability of the transcript or on a date to be fixed by the Chief Registrar.**

Reason:

Counsel for the appellant indicated that they still had to request the transcript of proceedings.