

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

SAINT VINCENT AND THE GRENADINES
VIDEOCONFERENCE
Tuesday, 8th June 2021

Case Name: Kevin Porter

v

The Commissioner of Police

SVGMCRAP2012/0014

Date: Tuesday, 8th June 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance

Respondents: Ms. Tammika McKenzie

Issue: The status of the matter

Type of Order: Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. Upon the Court noting that the appellant was not served to be present and that the appellant has served his sentence, the matter is adjourned to the next Status Hearing of the Court in the State of Saint Vincent and the Grenadines scheduled for 17th January 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal or for the respondent to make any application it deems necessary.**
- 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 Registrar informed that the appellant, who is unrepresented, could not be located for service of the order made on 7th January 2021 adjourning the matter to today.

This has been the position for the last few occasions when the matter came up for hearing. The last date that the bailiff was able to locate the appellant was on 7th April 2019 where he was served to appear at the Status Hearing scheduled for 2nd May 2019. The appellant did not appear on that date. Since that date, there has been no service on him.

Seeing that this is an appeal which was filed in 2012, the respondent indicated an intention to make an application for the matter to be dismissed for want of prosecution

Case Name: **Randan Matthews**
v
The Commissioner of Police
SVGMCRAP2013/0004

Date: **Tuesday, 8th June 2021**

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

Appearances:
Appellant: **No appearance**
Respondent: **Ms. Tammika McKenzie**

Issue: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon the court noting that the appellant was not served to be present and that the appellant has served his sentence, the matter is adjourned to the next Status Hearing of the court in the State of St. Vincent and the Grenadines scheduled for 17th January, 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal or for the respondent to make any application it deems necessary.
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 Registrar informed that the appellant, who is unrepresented, could not be located for service of the order made on 7th January 2021 adjourning the matter to today.

This has been the position for the last few occasions when the matter came up for hearing. The last date that the bailiff was able to locate the appellant was on 7th April 2019 where he was served to appear at the Status Hearing scheduled for 30th April 2019, however the Status Hearing took place on 2nd May, 2019. The appellant did not appear on that date. Since that date there has been no service on the appellant.

Seeing that this is an appeal which was filed in 2013, the respondent indicated an intention to make an application for the matter to be dismissed for want of prosecution.

Case Name:

**Keith Shadow Labban
v
The Commissioner of Police**

Date: Tuesday, 8th June 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Tammika McKenzie

Issue: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon the court noting that the appellant was not served to be present and that the appellant has served his sentence, the matter is adjourned to the next Status Hearing of the Court in the State of Saint Vincent and the Grenadines scheduled for 17th January, 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his

appeal or for the respondent to make any application it deems necessary.

- 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 Registrar informed that the appellant, who is unrepresented, could not be located for service of the order made on 7th January 2021 adjourning the matter to today.

This has been the position for the last few occasions when the matter came up for hearing. The last date that the bailiff was able to locate the appellant was on 10th May 2020 where he was served to appear at the Status Hearing scheduled for 7th September 2020. The appellant did not appear on that date. Since that date, there has been no service on the appellant.

Seeing that this is an appeal which was filed in 2016, the respondent indicated an intention to make an application for

the matter to be dismissed for want of prosecution.

Case Name: Saville Thomas
v
Commissioner of Police
SVGMCRAP2016/0042

Date: Tuesday, 8th June 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Ms. Tammika McKenzie

Issue: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is listed before the full court at the next Sitting of the court for Saint Vincent and the Grenadines scheduled

for the week commencing 14th June 2021.

Reason:

The appeal is in relation to sentence, which the appellant completed since 5th October 2019. There was no appearance of the appellant despite being served on 7th April 2021. The Crown therefore intends to make an application to have the matter dismissed for want of prosecution.

Case Name:

Asher Dublin
v
The Commissioner of Police

SVGMCRAP2019/0020

Date:

Tuesday, 8th June 2021

Before:

Mrs. Michelle John-Theobalds,
Chief Registrar

Appearances:

Appellant: Mr. Israel Bruce with Mr. Grant Connell

Respondent: Ms. Tammika McKenzie

Issue:

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 18th June 2021.**
- 2. The respondent is at liberty to file and serve supplemental written submissions with authorities, if necessary, on or before 19th July 2021.**
- 3. The appellant is at liberty to file and serve written submissions with authorities, if necessary, on or before 3rd August 2021.**
- 4. The hearing of this appeal is fixed for the Court of Appeal in the State of Saint Vincent and the Grenadines scheduled for the week commencing 24th January 2022.**

Reason:

Counsel for the appellant informed the Court that they are in the process of filing their written submissions to be served on the respondent. The respondent has filed written submissions and may need to respond to the appellant's written submissions when filed. The Court was of the view that further directions were required for the matter to progress.

Case Name:

**Colly Lowman
v
Commissioner of Police**

SVGMCRAP2020/0001

Date:

Tuesday, 8th June 2021

Before:

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

Appearances:

Appellant: In person

Respondent: Ms. Tammika McKenzie

Issue: The 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 30th September, 2021.
2. The respondent shall file and serve written submissions with authorities, on or before 29th October, 2021.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 15th November, 2021.
4. The hearing of the appeal is fixed for the Court of Appeal sitting in the State of Saint Vincent and the Grenadines scheduled for the week commencing 24th January 2022.

Reason:

The appellant was sentenced to 4 years and 5 months on one count and 1 year and 3 months on another count with the sentences running concurrently. His earliest release date is 12th May 2022.

The Record of Appeal was filed on 1st February 2021. Counsel for the respondent informed that the Crown can be ready for the hearing of this appeal during the week commencing 14th June 2021.

The appellant informed that he would prefer that the Court give him some time to retain an attorney and requested that the matter be put for the Sitting in January 2021.