

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT VINCENT AND THE GRENADINES
Tuesday, 8th September 2020

Case Name: Kenute Bess
v
The Queen

[SVGHCRAP2013/0019]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. John Ballah

Issues: 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 for the state of Saint Vincent and the Grenadines scheduled for 7th January 2021 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 personally and shall provide proof of service thereafter.

Reason: The appellant was not served to be present at the status hearing. Furthermore, the transcript of proceedings is still incomplete and it is also unclear whether the appellant has served his sentence.

Case Name: Glenford Jacobs
V
The Queen
[SVGHCRAP2016/0002]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. John Ballah and Ms. Renee Simmons

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 scheduled for 7th January 2021 for the appellant to take the necessary steps in relation to his payment for the transcript of proceedings.

Reason: The appellant informs that he is unable to pay for the transcript. He indicated that he has written to the court to request a copy of the transcript free of charge but has not gotten a response; however, there is no such

letter on the Court's file. The appellant was asked to write to the court again with this request.

Case Name:	Marshall Phillips v The Queen [SVGHCRA2016/0005] Saint Vincent and the Grenadines
Date:	Tuesday, 8th September 2020
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	In person
Respondent:	Mr. John Ballah and Ms. Renee Simmons
Issues:	Status of the matter
Type of Order:	Adjournment
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall continue efforts to cause the transcript of the proceedings to be prepared and served on the parties. 2. The matter is adjourned to the next status hearing of the court for the state of Saint Vincent and the Grenadines scheduled for 7th January 2021.
Reason:	The transcript of proceedings has yet to be prepared.

Case Name:

Tevin Peters

v

The Queen

**[SVGHCRAP2016/0006]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 8th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall continue efforts to cause the transcript of the proceedings to be prepared using the audio recording and the notes of evidence from the trial judge.**
- 2. The matter is adjourned to the next status hearing of the Court for the state of Saint Vincent and the Grenadines scheduled for 7th January 2021.**

Reason:

The transcript has not been prepared as part of the audio is not available. The court is currently awaiting notes from the judge.

Case Name:

Reynold Young

V

The Queen

[SVGHCRAP2016/0009]

Saint Vincent and the Grenadines

Date:

Tuesday, 8th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Mr. John Ballah and Ms. Renee Simmons

Issues:

Status of the matter

Type of Order:

Adjournment

**Result / Order
and Reason:**

IT IS HEREBY ORDERED THAT:

- 1. Upon the court noting that the appellant was not served to be present at this hearing and that the appellant has served his sentence and was discharged on 3rd November 2016, the matter is adjourned to the next Status Hearing of the Court 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 personally and shall provide proof of service thereafter.**

Case Name:

Roderick Alexander

V
The Queen

[SVGHCRA2016/0014]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is dismissed as a nullity.
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: An order dated 25th January 2017 granted the applicant an extension of time to appeal and ordered that he files and serve a notice of appeal by 17th February 2017. This was not done and the time for doing so has long expired. The matter was accordingly dismissed as a nullity.

Case Name: Rudolph Lewis

V
The Queen

**[SVGHCRAP2016/0015]
Saint Vincent and the Grenadines**

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

The appeal filed in this matter is discontinued and dismissed.

Reason: The appellant indicated that he does not wish to pursue this appeal as it relates to a matter which has already been disposed of by the court.

Case Name: Osrick Young

v

The Queen

**[SVGHCRAP2017/0002]
Saint Vincent and the Grenadines**

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the Thursday, 10th September 2020 for further status hearing.

Reason:

The Registrar indicated that the appellant was not served as he could not be located. The Court's records appeared to show the appellant had served his sentence. The matter was stood down to clarify the actual time served.

Upon the matter being recalled, the Crown advised that it had received an indication from the Office of the Director of Public Prosecutions that the appellant was released early due to clemency. The respondent requested an adjournment to allow the respondents to get the necessary documentation to assist the Court.

Case Name:

Ali Gibson

v

The Queen

[SVGHCRA2017/0009]

Saint Vincent and the Grenadines

Date:

Tuesday, 8th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. John Ballah and Ms. Renee Simmons

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 for the State of Saint Vincent and the Grenadines scheduled for 7th January 2021 for the appellant to make an application to the court regarding his legal representation and payment of the transcript.

Reason: The appellant indicated that he did not have a lawyer but he intended to get one. He requested that the Court assist him in finding a lawyer. He was informed that he needed to write to the Court to explain why he would need the court's assistance to get a lawyer.

The Court also noted that the transcript is incomplete.

Case Name:

Ulrick James

v

The Queen

[SVGHCRAP2017/0010]

Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person
Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall settle payment of the transcript of proceedings on or before 30th September, 2020.
2. The matter shall thereafter proceed in accordance with the Rules.

Reason: The Court indicated that the transcript of proceedings was ready and required payment. The appellant informed that he had received a letter from the registry stating how much he must pay for the transcript, but he would have to make arrangements for payment. The appellant informed the Court that he could settle payment in a week; however, the Court gave him more time to make the necessary payments.

Case Name: Symcy Williams
v
The Queen
[SVGHCRA2017/0011]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. John Coombs holding for Mr. Duane Daniel

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to Thursday, 10th September 2020 for further status hearing.

Reason:

The Court was informed by the respondent that it understood that the appellant was refusing to come to the court. The Court was also informed that the transcript had been completed and awaiting payment. A notice of availability of transcript was sent to Mr. Duane Daniel's chambers on 29th July 2020, who is on record for Mr. Williams. The matter was stood down to allow for attendance by counsel.

When the matter was recalled, Mr. John Coombs appeared to hold papers for Mr. Duane Daniel on behalf of the appellant. The Court indicated that it was minded to give the appellant time to make payment for transcript and adjourned the matter for further status hearing.

Case Name:

Preben Lyttle

v

The Queen

[SVGHCRA2017/0013]

Saint Vincent and the Grenadines

Date:

Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondents: Mr. John Ballah and Ms. Renee Simmons

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 for the State of Saint Vincent and the Grenadines scheduled for 7th January 2021 for the appellant to make an application to the court regarding his legal representation and payment of the transcript.

Reason: The appellant indicated that he does not have a lawyer and does not have sufficient funds to hire one and in the circumstances requested that the State assist him in that regard. He also indicated that he did not have sufficient funds to pay for the copy of the transcript of proceedings. The Court informed him that he should write to the Court in relation to both issues.

Case Name:

Jariel Belle

v

The Queen

[SVGHCRA2017/0014]

Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED AND DIRECTED THAT:

1. The appellant shall settle payment of the transcript of proceedings on or before 30th September, 2020.
2. The matter shall thereafter proceed in accordance with the Rules.

Reason: The Court was informed that the transcript was ready and awaiting payment.

Case Name: Anthony Edwards

v

The Queen

[SVGHC RAP2018/0001]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to Thursday, 10th September 2020 for further status hearing.

Reason: The respondent requested an adjournment for them to ascertain the status of the matter.

Case Name: Danley Matthews

v

The Queen

[SVGHCRAP2018/0002]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

Upon the Court noting that the Notice of Appeal has not been filed in this matter and that the time for doing so has expired, the matter is dismissed as a nullity.

Reason: The Court noted that the appellant was granted leave to appeal by order dated 20th February 2018. The court also noted that this order was served on Mr. Matthews but he has not filed a notice of appeal within the 14 days he was required to.

Case Name: Ronald Danzel
v
The Queen

[SVGHCRAP2018/0003]
Saint Vincent and the Grenadines

Date: Tuesday, 8th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. John Ballah and Ms. Renee Simmons

Issues: Status of the matter

Type of Order Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to cause the transcript of the proceedings to be prepared and served on the parties.
2. The matter is adjourned to the next Status Hearing of the court for the state of Saint Vincent and the Grenadines scheduled for 7th January 2021.

Reason:

The Court noted that the transcript of proceedings is not yet ready.

Case Name:

**Simon Hoyte
v
The Queen**

**[SVGHC RAP2016/0008]
Saint Vincent and the Grenadines**

Date:

Tuesday, 8th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. John Ballah and Ms. Renee Simmons

Issues:

Status of the matter

Type of Order:

N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is delisted until the application made by the appellant to secure the transcript of proceedings free of charge is determined by the Court.

Reason:

The appellant indicated that he does not have a lawyer, and he does not intend to get one.

The Court was informed that the transcript is ready and awaiting payment. The appellant indicated that he needs help to pay for the transcript and that he had written letters to the Court asking for assistance, but they have not yet been determined by a judge.

Case Name:

**Patrick Lovelace
v
The Queen**

**[SVGHCRA2009/0017]
Saint Vincent and the Grenadines**

Date:

Tuesday, 8th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. John Ballah and Ms. Renee Simmons

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT HEREBY ORDERED THAT:

The matter is adjourned to Thursday, 10th September 2020 for further status hearing.

Reason:

The appellant indicated that his lawyer is Ms Kay Bacchus-Baptiste but there was no appearance by counsel

The Court was informed that the transcript is ready but it has not been paid for. The appellant was of the view that he was not supposed to pay for his transcript since he has been sentenced to death. Counsel for the respondent indicated that they were unaware of any such policy but would make enquiries. The matter was therefore adjourned for further status hearing.