

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT CHRISTOPHER AND NEVIS
MONDAY 5TH JULY 2021

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

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
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 29th November 2021, to allow the appellant to regularize his legal representation in this matter.

Reason: The appellant informed that he last spoke to counsel in March 2021.

Case Name:

Jason Liddie

v

The Queen

[SKBHCRAP2019/0004]

Date:

Monday, 5th July 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

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 29th November 2021, to allow the appellant to regularize his legal representation in this matter.

Reason:

The appellant informed that since the lockdown he had not heard anything further from his family in relation to retaining a lawyer.

The Court recommended that the appellant make an application by letter to the Court to ask that he be assigned counsel to represent him.

The appellant also indicated that he would be in a position to proceed on his own if the Court was ready.

Counsel for the respondent informed that he would be in a position to proceed on the next occasion if no further progress is made by the appellant.

Case Name: Keith Herbert
v
The Queen
[SKBHCRAP2018/0005]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

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

Issues: Status of the matter

Type of Order: Directions

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 removed from the Status Hearing list pending the availability of the transcript.
3. The matter will be listed at the next Status Hearing of the Court on the availability of the transcript or on a date to be fixed by the Chief Registrar.

Reason: The record of appeal has not been filed in this matter. The cassettes have been found and have been sent to be transcribed.

Case Name: Delano Browne
V
The Director of Public Prosecutions
[SKBHCRA2018/0002]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Dr. Henry Browne QC

Respondent: Ms. Greatess Gordon

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide an electronic copy of the Record of Appeal to the parties on or before 30th July 2021.
2. The appellant shall file and serve written submissions with authorities on or before 6th August 2021.
3. The respondent shall file and serve written submissions with authorities on or before 7th September 2021.

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

Date: **Monday, 5th July 2021**

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

Appearances:

Appellant: **No appearance of 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 scheduled for 29th November 2021 to allow counsel to make further inquiries on the progress of the production of the transcript of the proceedings.

Reason: **The court office informed that Ms. Jean Morille was making attempts to transcribe the tapes with the proceedings in the court below.**

Case Name: **St. Christopher Air & Sea Ports Authority**
v
Eurick Dorsett
[SKBHCVAP2018/0015]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Terrence Byron
Respondent:	Ms. Angelina Sookoo-Bobb

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The parties shall settle the documents they wish to include in the Record of Appeal on or before 6th August 2021.
2. The appellant shall file and serve the record of appeal on or before 3rd September 2021.
3. The matter shall thereafter proceed in accordance with the Civil Procedure Rules 2000.

Reason:

The appellant made a request for the transcript of proceedings in this matter; however, counsel was not aware of the status of the request.

Counsel for the appellant indicated that he is in receipt of the transcript of proceedings and will send a copy to counsel for the respondent as soon as possible.

The parties would then be in a position to settle the documents to be included in the record of appeal and the appellant can file the record of appeal.

Counsel for the respondent requested that this be a final adjournment. She informed that her client had been deprived for a long time of the fruits of the

judgment; however, the court was not minded to so order as the exact reason for the delay is unknown.

Case Name:

Dwight Cozier
v
[1] Shauna Pemberton
[2] Attorney General of St. Kitts and
Nevis
[SKBMCVAP2019/0003]

Date:

Monday, 5th July 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

The matter is adjourned to the next status hearing of the Court of Appeal for the Federation of Saint Christopher and Nevis scheduled for 29th November 2021.

Reason:

No appearance by the parties.

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

Date: **Monday, 5th July 2021**

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

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:**

- 1. The appellant shall file and serve written submissions with authorities on or before 30th July 2021**
- 2. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the Federation of St Christopher and Nevis scheduled for the week commencing 6th December 2021.**

Reason: **The copy of the transcript was received, and the record of appeal and written submissions were filed by the respondents on 12th February 2021. The transcript was not included but it became available after. The respondent intends to stand by their written submissions.**

Case Name: **Leslie Charles Andamson Salters**
V
Bank of Nova Scotia
[SKBHCVAP2015/0020]

Date: **Monday, 5th July 2021**

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

Appearances:
Appellant: **No appearance**

Respondent: **No appearance**

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 29th November 2021.

Reason: **No appearance by the parties.**

Case Name: **Leslie Charles Adamson Salters**
V
Bank of Nova Scotia

[SKBHCVAP2015/0021]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	No appearance

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 29th November 2021.

Reason: No appearance by the parties

Case Name: The Attorney General of the Federation of St.
Christopher and Nevis
v
SKN Choice Times Limited

[SKBHCVAP2019/0045]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Terrence Byron

Respondent: No appearance of Ms. Angela Cozier

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 29th November 2021.

Reason:

Counsel for the appellant explained that on the 15th of March 2021, Mr. Carlos Michel, Deputy Chief Registrar, gave directions in this matter.

The appellant has complied with paragraph 1, 2 and 3 of the directions.

The record of appeal comprised of 3 trial bundles, however tab F which contained the exhibits was empty because there was difficulty in sorting its contents. Counsel has therefore been trying to file a supplemental record.

Case Name:

**Anthony Morton
v
Shalimar Williams**

[SKBMCRAP2018/0008]

Date:

Monday, 5th July 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Renall Edwards

Respondents: Ms. Olabisi Clouden

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 20th August 2021.
2. The respondent shall file and serve written submissions with authorities on or before 21st September 2021.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 6th October 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 scheduled for the week commencing 6th December 2021.

Reason:

The record of appeal was filed and received by both parties.

Case Name:

[1] Tenielle Percival
[2] Kenrick Simmonds
v
Chief of Police

Kenrick Simmonds
v

The Chief of Police

[SKBMCRAP2017/0004, 0005]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. Henry Browne QC

Respondent: Ms. Greatess Gordon

Issues: Status of the matter

Type of Order: Directions

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

1. The Registrar of the High Court shall take the necessary steps to provide the parties with an electronic copy of the Record of Appeal on or before 31st August 2021.
2. The appellant shall file and serve written submissions with authorities on or before 20th August 2021.
3. The respondent shall file and serve written submissions with authorities on or before 21st September 2021.
4. The appellant shall file and serve written submissions in reply, if necessary, on or before 6th October 2021.
5. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the Federation of St Christopher and Nevis scheduled for the week commencing 6th December 2021.

Reason: Written submissions have not been filed by the parties.

Case Name: Nagico Insurance Company Ltd.
V
Carino Hamilton Development Company Ltd
[SKBMCVAP2018/0005 -0008]

Date: Monday, 5th July 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

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 appellant shall serve a copy of the written submissions filed on 4th February 2019 on the respondent and shall provide proof of service thereafter.
2. The respondent shall file and serve written submissions with authorities within 28 days of receipt of the appellant's submissions.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, within 14 days of receipt of the respondent's submissions.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the Federation

of St Christopher and Nevis scheduled for the week commencing 6th December 2021.

5. The registrar of the High Court shall serve a copy of this order on the respondent and shall provide proof of service thereafter.

Reason:

The respondent is unrepresented, and the appellant is unable to locate the respondent to be served with the documents relevant to the appeal.

The High Court informed that the last date of service on the respondent was 30th March 2021 at 9:56 am by the Bailiff of the Court office at the company's registered address, received by Mr. John Gilbert, Co-manager of the company.

Case Name:

**Joel Caines
v
Lloyd Williams**

[SKBMCVAP2018/0020]

Date:

Monday, 5th July 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

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 of Appeal for the Federation of Saint Christopher and Nevis scheduled for 29th November 2021.
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: **No appearance of the parties**

Case Name: **Dwight “Dangles” Walters**
v
[1]Comptroller of Customs
[2] The Attorney General of St. Christopher
and Nevis
[SKBMCVAP2018/0008A]

Date: **Monday, 5th July 2021**

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

Appearances:

Appellant: **No appearance**

Respondent: **Ms. Nisharma Rattan Mack**

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 Federation of Saint Christopher and Nevis scheduled for 29th November 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 Office has not been able to locate the appellant to serve him. The High Court received a telephone number and will try to reach the appellant in Nevis where the Court Office has been informed that he has relocated to.

Case Name: **Marvin Henry**
v
Diana Francis Liburd
[SKBMCVAP2014/0010]

Date: **Monday, 5th July 2021**

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

Appearances:

Appellant:	No appearance
Respondent:	No appearance

Issues: **Status of the matter**

Type of Order:	Adjournment
Result / Order:	1. The matter is adjourned to the next status hearing of the Court for the Federation of Saint Christopher and Nevis scheduled for 29th November 2021 to allow for the appellant to indicate whether he is still interested in prosecuting his appeal. 2. The Registrar of the High Court shall cause a copy of this order to be served on the parties and shall provide proof of service thereafter.
Reason:	No appearance of the parties
Case Name:	Kevaughn Adams v Stanley Wade [SKBMCVAP2016/0004]
Date:	Monday, 5th July 2021
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	No appearance
Respondent:	No appearance
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 of Appeal for the Federation of Saint Christopher and Nevis scheduled for 29th November 2021 to allow for the appellant to indicate whether he is still interested in prosecuting his appeal.**
- 2. The Registrar of the High Court shall cause a copy of this order to be served on the parties and shall provide proof of service thereafter.**

Reason

No appearance of the parties.