

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT LUCIA
MONDAY 21ST JUNE 2021

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

Date: Monday, 21st June 2021
Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mrs. Wauneen Louis Harris
Respondent: No appearance of Ms. Leandra Verneuil

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 Saint Lucia scheduled for 1st November 2021.

Reason: Counsel for the appellant indicated that she spoke with counsel for the respondent, and she informed that the status quo remains as counsel for the respondent has

not been able to contact any of the heirs of the deceased respondent.

Case Name: Sebastian Marcus Day
v
The Attorney General
[SLUHCVAP2020/0023]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. David Moyston

Respondent: Mr. George K. Charlemagne

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 Saint Lucia scheduled for 1st November 2021, unless a consent order is sooner filed.

Reason: A Notice of Discontinuance was filed on 3rd March 2021 in respect of an application for a stay in the lower court and not the substantive appeal. Counsel for the appellant has indicated that he will rectify this.

Case Name:

**[1] Mario Reyes
[2] Nanette Reyes
V
RAP Holding Finance Company Limited
[SLUHCVAP2019/0023]**

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Fidel Michel

Respondent:

Ms. Kristian Henry

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondent shall file and serve written submissions with authorities on or before 23rd July 2021.**
- 2. The appellants are at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 9th August 2021.**
- 3. The hearing of the appeal is fixed for the Court of Appeal Sitting in the state of Saint Lucia.**

Case Name: Lazarus Paul
v
Rachel Willie-Trotman et al
[SLUHCVAP2017/0049]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mrs. Wauneen-Louis Harris

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 Saint Lucia scheduled for 1st November 2021, unless a consent order is sooner filed.

Reason: The parties are still in the process of holding settlement discussions and requested an adjournment.

Case Name: Mattaniah Charlemagne
v
Saint Lucia National Housing Corporation

[SLUHCVAP2019/0004]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Natalie Da Breo

Respondent: Mrs. Petra Nelson

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 Saint Lucia scheduled for 1st November 2021 to allow the appellant to regularize the matter including the filing of the matter on the Portal.

Reason There was an error in the way in which the matter was filed. The appellant filed the matter making the respondent the appellant. Counsel was advised to approach the ELP team to address this.

Case Name: Mattaniah Charlemagne
v
Saint Lucia National Housing Corporation
formerly St. Lucia Housing Authority

[SLUHCVAP2019/0018]

Date: Monday, 21st, June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Natalie Da Breo

Respondent: Mrs. Petra Nelson

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 1st November 2021.

Reason: Counsel for the appellant informed that the transcript has been received and requested an adjournment to take instructions from her client.

Case Name:

[1]Constantius Francois
[2]Gregory Edward
[3]Felix Duncan
[4]Norbert Charles
[5]Anthony St. Jules
[6]Trevor Trim
[7]Frankie Gustave
v
[1]Lucien Joseph
[2]Laurianus Antoine
[3]Humbert Gidharry
[4]Firmus Popo
[5]Matthew Hutchinson
[6]Guery Yotte
[7]Hilderth Charles

[8]Holiday Taxi Limited

[SLUHCMAP2019/0002]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	Mrs. Wauneen Louis-Harris
Respondents:	Ms. Alberta Richelieu holding papers for Mr. Alberton Richelieu

Issues: Status of the matter

Type of Order: Directions

Result / Order:

UPON this matter coming on for Status Hearing in the presence of Mrs. Wauneen Louis-Harris for the appellants and Ms. Alberta Richelieu holding papers for Mr. Alberton Richelieu for the respondents;

UPON NOTING the Notice of Appeal filed on 18th April 2019;

UPON NOTING the indication from counsel for the appellant that the appellant is no longer interested in prosecuting this appeal;

UPON NOTING the oral application from counsel that the appeal be dismissed with no order as to costs;

UPON counsel for the respondent not objecting to the application.

IT IS HEREBY ORDERED THAT

1. The appeal is withdrawn and dismissed.
2. There is no order as to costs.

Reason: This appeal was filed and since then circumstances have changed. The appellants no longer wish to prosecute the appeal. The respondents have also not taken any steps in response to the appeal. Counsel for the appellants asked that the matter be dismissed and that there be no order as to costs. Counsel for the respondents did not object.

Case Name: [1]Paramount Appliances Ltd
[2]Malcom Charles
[3]Selma Anita Khodra Charles
v
The Bank of Nova Scotia
[SLUHCMAP2019/0003]

Date: Monday, 21st June 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:

Upon noting that there is no appearance of the parties, the matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 1st November 2021.

Reason: No appearance of either of the parties.

Case Name: [1]Anne Marie Donnelly
[2]Dorothy Donnelly
Heirs at Law in the Estate of the late Irena
Edwin aka Irena Louison (nee) Donnelly aka
Irena Donnelly

v

[1] Lydia B. Faisal
[2] Paul Laurencin Louison aka
Laurencin
[3] Louison Glenda Antonia
Donnelly

[SLUHCVAP2019/0008]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance of Mr. Leevie Herelle

Respondent: Mrs. Petra Nelson

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 Saint Lucia scheduled for 1st November 2021.

Reason

The notice of availability of transcript was filed on 24th April 2019, since then, no further steps have been taken by the appellant.

Case Name:

**James Jacques Valton
v
Heirs of Simeon Cherry represented by Earl
Huntley**

[SLUHCVAP2019/0009]

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. James Jaques Valton, in person

Respondent: Mr. Eghan Modeste

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 Saint Lucia scheduled for 1st November 2021 to allow the appellant to regularise his legal representation.

Reason:

The appellant requested an adjournment as he was unable to get the funds to hire an attorney. The respondent did not object but noted the length of time the appellant has taken to progress this appeal, including the appellant's failure to comply with many of the timelines within the Civil Procedure Rules.

Case Name:

British American Insurance Company Ltd.

v

[1] Leo Harrigan

[2] Camilla Harrigan

[SLUHCVAP2019/0015]

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mrs. Wauneen Louis-Harris

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 Saint Lucia scheduled for 1st November 2021 to allow the appellant to provide proof of service of the Notice of Appeal on the respondents.

Reason: Counsel for the appellant indicated that the appeal has been served but no affidavit of service has been filed.

Case Name: Mary Floton
v
Jacqueline Emilien
[SLUHCVAP2019/0016]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Marie-Ange Symmonds
Respondents: No appearance for the respondent

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 Saint Lucia scheduled for 1st November 2021 unless a Notice of Discontinuance is sooner filed.

Reason: The appellant informed that she has recently received instructions to have the matter discontinued.

Case Name:

**Raphael Charlemagne
v
[1] The Attorney General
[2] St. Lucia National Housing Corporation
formerly St. Lucia Housing Authority
[SLUHCVAP2019/0025]**

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Natalie Da Breo

Respondent:

**Mrs. Tina Louison and Mrs. Rochelle John-Charles for
the 1st respondent**

Mrs. Petra Nelson for the 2nd respondent

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED AND DIRECTED THAT:

**The matter is adjourned to the next Status Hearing of
the Court of Appeal for Saint Lucia scheduled for 1st
November 2021 to allow the appellant to indicate
whether he is still interested in prosecuting the appeal.**

Reason:

**Counsel for the appellant requested an adjournment to
allow her to take instructions from the appellant as to
the continued prosecution of the appeal.**

The respondents did not object but noted that there has been no movement in relation to the appeal.

Case Name: Christopher John Bristol
v
Wendy Andrea Erica Bristol
[SLUHCVAP2017/0048]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Ann-Alicia Fagan
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 Saint Lucia scheduled for 1st November 2021.
2. The Registrar of the High Court shall serve a copy of this order on the respondent personally and shall provide proof of service thereafter.

Reason: The notice of hearing for the status hearing was served on Mrs Andra Gokool-Foster, who has informed that she was counsel in the court below but not in the appeal.

It does not appear that the respondent was served to be present. Counsel for the appellant also informed that the respondent was not served with the documents recently filed by the appellant.

Case Name: **Alexis Alcide**
v
Roman Catholic Church
[SVGHCVAP2018/0011]

Date: **Monday, 21st June 2021**

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

Appearances:
Appellant: **No appearance**
Respondent: **Mr. Deale Lee**

Issues: **Status of the matter**

Type of Order: **N/A**

Result / Order: **IT IS HEREBY ORDERED THAT:**
The matter is closed.

Reason
The applicant was granted an extension of time to appeal on 31st July 2018 and to file the notice of appeal within 14 days. This was not done. The applicant was served with a copy of the order on 3rd August 2018 as per the return of service. There is accordingly no appeal before the court.

Case Name: Luvina Joseph
V
[1]William Gomez
[2]Albert Gomez
[SLUHCVAP2018/0030]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Ephraim Edgar

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 Saint Lucia scheduled for 1st November 2021, unless a Notice of Discontinuance is sooner filed.

Reason: The matter which was to be appealed has been resolved in the High Court. Counsel informed that he had discussions with counsel for the appellant who informed that he would be filing a Notice of Discontinuance in the matter.

Case Name:

Franklyn George
V
[1] Cynthia Beausoleil Jefferson
[2] Ricardo Beausoleil
[SLUHCVAP2018/0034]

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Alberta Richelieu

Respondent: No appearance

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondents shall file and serve written submissions with authorities on or before 15th September 2021.**
- 2. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 30th September 2021.**
- 3. The hearing of the appeal is fixed for the next Court of Appeal Sitting for the state of St. Lucia scheduled for the week commencing 8th November 2021.**
- 4. The Registrar of the High Court shall serve a copy of this order on the respondents and shall provide proof of service thereafter.**

Case Name:

Theresa Marcellin

V
St. Lucia Electricity Services Limited
[SLUHCVAP2018/0038]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Mr. Deale Lee

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 Saint Lucia scheduled for 1st November 2021 for the appellant to indicate whether she 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 shall provide proof of service thereafter.

Reason: The Notice of Appeal was filed on 16th November 2018. Notice of availability of transcript was filed on 14th March 2019. Since the filing of the Notice of Appeal, no further action was taken by the appellant to prosecute the appeal.

Case Name:

Kendall Caul

V

The Queen

[SLUHCRAP2017/0007]

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Kendall Caul in person

Respondent:

Mr. Stephen Brette

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT HEREBY ORDERED THAT:

The matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 1st November 2021 to allow the Registrar to inquire from the Legal Aid Board the status of the appellant's application for legal aid.

Reason:

The Registrar of the High Court had informed that the Legal Aid Board had not met to decide on this matter.

Case Name:

Neil Wilson

V

The Queen

[SLUHCRAP2018/0001]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Neil Wilson
Respondent:	Mr. Stephen Brette

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 Saint Lucia scheduled for 1st November 2021 to allow the Registrar to inquire from the Legal Aid Board the status of the appellant's application for legal aid.

Reason: The Registrar of the High Court informed that the Legal Aid Board had not met to decide on this matter.

Case Name:

Grant Lionel
v
The Queen

[SLUHCRAP2019/0004]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Stephen Brette

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 Saint Lucia scheduled for 1st November 2021 to allow the appellant to make an application for legal aid.

Reason: The appellant informed that he is unable to afford a lawyer.

Case Name: Barry McMilan Hunte
v
The Queen

[SLUHCRA2020/0002]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Stephen Brette

Issues: Status of the matter

Type of Order:	Directions
Result / Order:	IT IS HEREBY ORDERED THAT: The matter is removed from the court's list pending the determination of the applications filed by the appellant.
Reason:	The appellant has filed applications which are pending before the Court.
Case Name:	Joshua Francis v The Queen [SLUHCRAP2019/0003]
Date:	Monday, 21st June 2021
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	In person
Respondents:	Mr. Stephen Brette
Issues:	Status of the matter
Type of Order:	Directions
Result / Order:	IT IS HEREBY ORDERED THAT: Upon noting the indication from the appellant that he no longer wishes to proceed with the appeal, the appeal is hereby withdrawn and dismissed.

Reason: The appellant informed that he no longer wished to proceed with the appeal.

Case Name: Sherrinton Burnie Preville
v
The Queen

[SLUHCRAP2019/0001]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Stephen Brette

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 Saint Lucia scheduled for 1st November 2021 to allow the appellant to make an application to be assigned an attorney.

Reason: The appellant informed that his appeal was against sentence however it appeared that he was appealing against conviction as well. The appellant informed that he would speak to his family about getting a lawyer. He also indicated in his notice of appeal that he wanted the court to assign him legal counsel.

Case Name:

Bryan St. Martin

v

The Queen

[SLUHCRAP2019/0002]

Date:

Monday, 21st June 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. Stephen Brette

Issues:

Status of the matter

Type of Order:

Directions

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 1st November 2021 to allow the appellant to make an application to be assigned an attorney

Reason:

The appellant indicated that he was not able to afford an attorney.

Case Name:

Yan Drysdale

v

The Queen

[SLUHCRAP2017/0003]

Date:

Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. David Francis

Respondent: Mr. Stephen Brette

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve written submissions with authorities on or before 23rd July 2021.
2. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 9th August 2021.
3. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the State of Saint Lucia scheduled for the week commencing 8th November 2021.

Reason: The appellant filed written submissions in this matter which were to be served on the Crown.

Case Name:

**Robert Joseph
v
Corporal 253 Joseph
[SLUMCRAP2019/0003]**

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Natalie Da Breo

Respondent: Mr. Stephen Brette

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 Saint Lucia scheduled for 1st November 2021 to allow the appellant to indicate whether he is still interested in prosecuting his appeal.

Reason: Counsel for the appellant informed that she was trying to ascertain the method of calculation by the prison to see whether the appeal should be continued.

Case Name: Lon Octave
v
WPC 816 Mangal

[SLUMCRAP2018/0004 and 0005]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Carlton Amsterdam

Respondent: Mr. Stephen Brette

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 Saint Lucia scheduled for 1st November 2021.

Reason: Counsel for the appellant requested the transcript of proceedings but he received the Record containing the Magistrate's notes. The Magistrate's notes were incomplete in relation to the details of the evidence which was adduced to the court.

Counsel for the appellant informed that he spoke to the Court Administrator at the Magistrates' Court who promised to look into obtaining the recording and transcript of the matter.

Case Name: Baston Duncan
v
The Police

[SLUMCRAP2018/0015]

Date: Monday, 21st June 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. David Moyston

Respondent: Mr. Stephen Brette

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 Saint Lucia scheduled for 1st November 2021 to allow counsel for the appellant to obtain further instructions from the appellant in relation to the prosecution of the appeal.

Reason:

Counsel for the appellant had some communication with the appellant but he has still not been able to get full instructions from the appellant in relation to proceeding with the appeal. Counsel therefore requested an adjournment.