

EASTERN CARIBBEAN SUPREME COURT
STATUS HEARING

VIDEOCONFERENCE
TERRITORY OF THE VIRGIN ISLANDS
15th February 2021

Before: Mr. Carlos Michel, Chief Registrar [Ag.]

Case Name: Frandi Thomas
v
The Queen
[BVIHCRA2017/0004]

Date: Monday, 15th February 2021

Appearances:

Appellant:	Mr. Michael Maduro
Respondent:	Mrs. Tiffany Scatliffe-Espirit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file an application to amend his grounds of appeal, on or before 1st March 2021.
2. The matter is adjourned to the next sitting of the Court of Appeal for the Territory of the Virgin Islands during the week commencing 31st May 2021.

Reason: The record of appeal was filed and served. Counsel for the appellant indicated an intention to amend the grounds of appeal by way of application.

Case Name: Alberto Rosa de la Rosa
v
The Queen
[BVIHCRAP2016/0001]

Date: Monday, 15th February 2021

Appearances:
Appellant: Ms. Reynela Rawlins
Respondent: Mrs. Tiffany Scatliffe Espirit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 26th May 2021.

Reason: Neither the record of appeal nor skeleton arguments had been served on the respondent. Counsel for the appellant indicated that she was not been able to contact the respondent to receive instructions. The Director of Public Prosecutions indicated an intention to apply to have the appeal struck out.

Case Name: Jessroy McKelly

V
The Queen
[BVIHC RAP2014/0002]

Date: Monday, 15th February 2021

Appearances:

Appellant:	Ms. Ruthilia Maximea appearing amicus curiae
Respondent:	Mrs. Tiffany Scatliffe Espirit, Director of Public Prosecutions

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 Territory of the Virgin Islands scheduled for 26th May 2021.

Reason: Counsel, Ms. Ruthilia Maximea, indicated that the appellant is seeking to have her appointment as his counsel regularized by the Legal Aid Board.

Case Name: Steven Walters

V
The Queen
[BVIHC RAP2019/0001]

Date: Monday, 15th February 2021

Appearances:

Appellant:	Ms. Reynela Rawlins
Respondent:	Mrs. Tiffany Scatliffe, Espirit, Director of Public Prosecutions

Issues: **Status of the Matter**

Type of Order: **Directions**

Result / Order: **[Oral Delivery]**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to cause the transcript of proceedings in this matter to be prepared.
2. The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 26th May 2021.

Reason: **The record of appeal was not complete as the transcript of proceedings had not yet been prepared.**

Case Name: **Glanville Penn**
v
The Attorney General
[BVIHCVAP2017/0009]

Date: **Monday, 15th February 2021**

Appearances:

Appellant:	Mr. Sydney Bennet, QC
Respondent:	Ms. Jo-Ann Williams-Roberts, Solicitor General

Issues: **Status of the matter**

Type of Order **Adjournment**

Result / Order: **[Oral Delivery]**

IT IS HEREBY ORDERED THAT:

The matter is adjourned to next sitting of the Court of Appeal for the Territory of the Virgin Island during the week commencing 31st May 2021.

Reason: Skeleton arguments had been prepared by either side. The parties were agreed that the matter would be ready for the next Court of Appeal sitting in the Territory of the Virgin Islands.

Case Name: The Attorney General of the British Virgin Islands
v
Partnerselskabet Parsifal
[BVIHCVAP2018/0001]

Date: Monday, 15th February 2021

Appearances:
Appellant: Ms. Maya Berry
Respondent: Ms. Mishka Jacobs holding papers for Ms. Hazel-Ann Boreland

Issues: Status of the matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to provide the parties with a copy of the judges notes in the absence of the transcript of proceedings.

2. The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 26th May 2021.

Reason: Counsel for the parties indicated that the transcripts were either lost or the files corrupted. The parties request the judge's notes from the Court Office. The notes should be available by mid-March 2021.

Case Name: Claude Skelton-Cline
v
Cabinet of the Virgin Islands
[BVIHCVAP2019/0003]

Date: Monday, 15th February 2021

Appearances:

Appellant:	Ms. Ruthilia Maximea holding papers for Ms. Tana'ania Small-Davis
Respondent:	Ms. Giselle Lumy

Issues: Status of the matter

Type of Order Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to cause the transcript of proceedings to be prepared in this matter.
2. The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 26th May 2021.

Reason: Counsel for the parties indicated that the transcript is still outstanding. The transcript was requested on 9th July 2019. The Court Office was unable to provide an update on when the transcripts may become available.

Case Name: Herbert Potter
V
Franka Potter
[BVIHCVAP2018/0002]

Date: Monday, 15th February 2021

Appearances:
Appellant: Mr. Herbert Porter
Respondent: No appearance

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 proceedings to be prepared in this matter.
2. The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 26th May 2021.
3. The Registrar shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason: The appellant had not received the transcript of proceedings.

Case Name: Renard Benjamin

V
Ellina Turnbull
[BVIHCVAP2019/0005]

Date: Monday, 15th February 2021

Appearances:

Appellant:	Ms. Marie-Lou Creque
Respondent:	Ms. Ruthilia Maximea

Issues: Status of the matter

Type of Order Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall inform the parties in writing whether the transcript of the notes of evidence and of the judgment or of the proceedings or the notes of evidence is available or is not available on or before 1st March 2021.
2. The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 26th May 2021.

Reason: The parties asked for the Court office to indicate whether there are any notes of evidence which may be used to compile the record of appeal, as it was unclear whether there was any transcript of the proceedings.

Case Name:

Commissioner of Police
V
Medical Management Company Limited
[BVIMCRAP2020/0001]

Date: Monday, 15th February 2021

Appearances:

Appellant:	Mrs. Tiffany Scatliffe-Espirit, Director of Public Prosecutions holding papers for Mrs. Patrice Hickson, Senior Crown Counsel
Respondent:	Ms. Reynela Rawlins

Issues: Status of the matter

Type of Order Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall serve the notice of appeal and the E-Litigation Portal authorisation codes in the prescribed form on the respondent on or before 25th February 2021 and shall provide proof of service thereafter.
2. The Registrar of the High Court shall cause the record of appeal to be served on the respondent on or before 25th February 2021.
3. The appellant shall file and serve written submissions with authorities on or before 31st March 2021.
4. The respondent shall file and serve written submissions with authorities on or before 3rd May 2021.
5. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 17th May 2021.
6. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the Territory of the Virgin Islands during the week commencing 31st May 2021.

Reason: The record of appeal had been filed but no submissions were filed. There was a dispute between counsel on both sides as to whether the notice of appeal was served on the respondent.

Case Name: Starcy Huggins
v
The Commissioner of Police
[BVIMCRAP2019/0001]

Date: Monday, 15th February 2021

Appearances:
Appellant: Ms. Akilah Anderson
Respondent: Mrs. Tiffany Scatliffe-Espirit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 12th March 2021.
2. The respondent shall file and serve written submissions with authorities on or before 16th April 2021.
3. The appellant is at liberty to file written submissions with authorities in reply, if necessary, on or before 4th May 2021.
4. The hearing of the appeal is fixed for the Court of Appeal sitting for the Territory of the Virgin Islands during the week commencing 31st May 2021.

Reason: The record of appeal was filed and served but no submissions had been filed by either side.

Case Name: Antonio Stoutt
V
The Commissioner of Police
[BVIMCRAP2015/0006]

Date: Monday, 15th February 2021

Appearances:
Appellant: Mr. Antonio Stoutt
Respondent: Mrs. Tiffany Scatliffe Espirit, Director of Public Prosecutions

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 Territory of the Virgin Islands scheduled for 26th May 2021 to allow the appellant time to retain legal counsel.

Reason: The appellant indicated his desire to be represented by counsel and was actively seeking to retain counsel, including by making inquiries at the Legal Aid Board for assistance in doing so.