

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
MONTSERRAT

Wednesday, 20th January 2021

Case Name:

Keston Riley

v

[1] The Attorney General

[2] Superintendent of Prisons

[MNIHCVAP2019/0003]

Date:

Wednesday, 20th January 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appellant:

Mr. Warren Cassell

Respondents:

Ms. Sheree Jemmotte-Rodney

Issues:

Status of the matter

Type of order:

Directions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The parties shall agree to the documents to be included in the Record of Appeal on or before 5th February 2021.
2. The appellant shall file and serve the Record of Appeal on or before 22nd February 2021.
3. The respondent shall file and serve written submissions with authorities on or before 1st April 2021.
4. The appellant is at liberty to file and serve written

submissions in reply, if necessary, on or before 30th April 2021.

5. The hearing of the is appeal is fixed for the Sitting of the Court of Appeal in the Territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason:

Leave to appeal was granted on 24th June 2020. The notice of appeal was filed on 25th July 2019. The appellant filed written submissions on 4th January 2021. The record of appeal has not been prepared and filed. Directions were necessary to further the matter.

Case Name:

**David Duberry
v
Glenworth Prince**

[MNILTAP2016/0002]

Date:

Wednesday, 20th January 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appellant:

Mr. Garth Sergeant on record

Respondent:

Mr. Warren Cassell

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 26th

February 2021.

2. The respondent shall file and serve written submissions with authorities on or before 26th March 2021.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 12th April 2021.
4. The hearing of the is appeal is fixed for the Sitting of the Court of Appeal in the Territory of Montserrat scheduled for the week commencing 26th July 2021.
5. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason:

Counsel for the respondent, Mr. Warren Cassell has been recently instructed. The respondent is not within the Territory. The record of appeal has been prepared.

Case Name:

[1] Karen Allen
[2] Steven Fagen
[3] Marie Carole Lidbetter

v

[1] Registrar of Companies
[2] Financial Services Commissioner
[3] Reuben Meade
[4] Fotis Andrianakos
[5] Panagiotis Andrianakos
[6] Montobacco Limited
[7] Emerald Metal Co. Limited
[8] 888 International Limited
[9] Edmond Elbaz

[MNIHCVAP2019/0006]

Date:

Wednesday, 20th January 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appellants: In person

Respondents: Ms. Renee Morgan for the 1st and 2nd Respondents

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 copies of the relevant audio transcripts of proceedings to the first and second respondents.
2. The parties shall agree to the documents to be included in the Record of Appeal on or before 19th February 2021.
3. The respondent shall file and serve the record of appeal on or before 26th February 2021.
4. The appellant is at liberty to file and serve supplemental written submissions with authorities if necessary, on or before 26th March 2021.
5. The respondent is at liberty to file and serve supplemental written submissions in reply, if necessary, on or before 26th April 2021.
6. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 11th May 2021.
7. The hearing of the is appeal is fixed for the Sitting of the Court of Appeal in the Territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason: The appellants indicate that due to financial constraints they are unable to procure the transcript of proceedings. The appellants' application *informa pauperis* was denied. The appellant wishes to proceed in absence of transcript and wish to rely on the fact that in their notice of appeal,

they have made reference to areas of law and wish to rely on those documents that have been filed.

The audio transcripts for the relevant dates as per agreement between the parties have been provided to the appellants while the respondents have received some of the audio transcripts.

Case Name:

[1] Karen Allen
[2] Steven Fagen
[3] Marie Carole Lidbetter
v
[1] Registrar of Companies
[2] Government of Montserrat
[3] Krys Global, Greig Mitchell &
Kenneth Krys (Joint Liquidators)

[MNIHCVAP2020/0021]

Date:

Wednesday, 20th January 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appellants:

In person

Respondents:

Ms. Renee Morgan on behalf of 1st and 2nd respondents

Issues:

Status of the matter

Type of order:

N/A

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

Upon the Court noting that there is an outstanding application in the matter, the matter is removed from the

status hearing cause list until the application is determined.

Reason:

The Court having noted that there was an application to strike out the appeal filed on 19th January 2021, removed the matter from the status hearing list until the application is determined.

Case Name:

[1] Karen Allen
[2] Steven Fagen
[3] Marie Carole Lidbetter
v
[1] Registrar of Companies
[2] Government of Montserrat
[3] Krys Global, Greig Mitchell & Kenneth
Krys (Joint Liquidators)

[MNIHCVAP2020/0019]

Date:

Wednesday, 20th January 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appellants:

In person

Respondents:

Ms. Renee Morgan on behalf of 1st and 2nd respondents

Issues:

Status of the matter

Type of order:

N/A

Result /

IT IS HEREBY ORDERED THAT:

Order:

Upon the Court noting that there is an outstanding application in the matter, the matter is removed from the status hearing cause list until the application is determined.

Reason:

The Court having noted that there was an application to strike out the appeal filed on 19th January 2021, removed the matter from the status hearing list until the application is determined.

The parties were directed to file the record of appeal in event that that application to strike out was refused.

Case Name:

**Harry Silcott
v
The Queen**

[MNIHCRAP2019/0003]

Date:

Wednesday, 20th January 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appellant:

**Mr. Warren Cassell
Appellant present**

Respondent:

Mr. Oris Sullivan

Issues:

Status of the matter

Type of order:

Directions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the Record of Appeal on the parties on or before 5th February 2021.
2. The appellant shall file and serve written submissions with authorities on or before 8th March 2021.
3. The respondent shall file and serve written submissions with authorities on or before 9th April 2021.
4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 26th April 2021.
5. The hearing of the appeal is fixed for the sitting of the Court of Appeal in the territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason:

The record of appeal was filed on 28th November 2019. The parties have not received the record of appeal.

Case Name:

[1] Martin Jno Baptiste
[2] Danny Henry
v
The Queen

[MNIHCRAP2019/0004]

Date:

Wednesday, 20th January 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appellant:

Mr. Warren Cassell

Respondent:

Mr. Oris Sullivan, Director of Public Prosecutions

Issues:

Status of the matter

Type of order:

Directions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the addendum to the Record of Appeal on the parties on or before 5th February 2021.
2. The appellant shall file and serve written submissions with authorities on or before 12th March 2021.
3. The respondent shall file and serve written submissions with authorities on or before 19th April 2021.
4. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary, on or before 4th May 2021.
5. The hearing of the appeal is fixed for the sitting of the Court of Appeal in the territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason:

The record of appeal was filed on 28th September 2020 however the record of appeal is incomplete. The Registrar informed the Court that the addendum to the record of appeal has been completed and will be served on the parties.

Case Name:

**St. Augustine Primary School
v
Evelyn Gibson**

[MNILTAP2019/0003]

Date: Wednesday, 20th January 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appellant: Mr. Jean Kelsick

Respondent: Mr. Warren Cassell

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 26th February 2021.
2. The respondent shall file and serve written submissions with authorities on or before 26th March 2021.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 12th April 2021.
4. The hearing of the appeal is fixed for the sitting of the Court of Appeal in the territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason: The transcript was issued on 6th October 2020. The record of appeal has been filed. The matter is ready to proceed.

Case Name: Keston Riley
v
Montserrat Port Authority

[MNILTAP2020/0001]

Date: Wednesday, 20th January 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appellant: Warren Cassell

Respondent: Jean Kelsick

Issues: Status of the matter

Type of order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

The hearing of the is appeal is fixed for the Sitting of the Court of Appeal in the territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason: The appellant filed submissions on 17th December 2020. The record of appeal has been filed. The respondent's appeal bundle was filed on 8th January 2021, which contains skeleton arguments and list of authorities.

The Appellant intends to make electronic copies available to the Court. The respondent does not intend to file a reply however reserves right to a viva voce response. The matter is ready to proceed.

Case Name: Ismael Farrell
v
The Commissioner of Police

[MNIMCRAP2017/0002]

Date: Wednesday, 20th January 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appellant: Mr. Warren Cassell holding papers for Ms. Lovetta Silcott
Appellant present

Respondent: Mr. Oris Sullivan

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 obtain the Record of Appeal from the Chief Magistrate and shall thereafter serve a copy on the parties and provide proof of service.
2. The appellant shall file and serve written submissions with authorities within 28 days of service of the record of appeal.
3. The respondent shall file and serve written submissions with authorities within 28 days of service of the appellant's submissions.
4. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary, within 14 days of service of the respondent's submissions.
5. The hearing of the appeal is fixed for the sitting of the Court of Appeal in the territory of Montserrat scheduled for the week commencing 26th July 2021.

Reason: The record of appeal has not been filed. The Registrar of the High Court informed the Court that he was informed,

before the Christmas break, that the record of appeal would have been filed. This has not been done.