

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

SAINT KITTS AND NEVIS

VIDEOCONFERENCE

19th and 21st October 2020

Case Name: Raheem Crossley

v

The Director of Public Prosecutions

SKBHCRAP2015/0010

Date: Monday, 19th October 2020

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:

The application for leave to appeal against conviction and sentence shall be listed for hearing at a Chamber Hearing of the court on a date to be fixed by the Chief Registrar.

Reason: The court noted that document filed by the applicant in Criminal Form 1 on 13th May 2015 ought to be treated as an application for leave to appeal against conviction and sentence.

Case Name: Karin Colt

v

Gary Colt

SKBHCVAP2017/0024

Date: Monday, 19th October 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Kurlyn Merchant
Respondent: Ms. Marlene Uter Bent

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

Upon the request of the parties, the matter is adjourned to the next status hearing of the court scheduled for 8th March 2021 for the parties to hold discussions on the way forward in this matter.

Reason: The parties had previously sought the notes of evidence which would allow the appellant to properly appeal as there was no written judgment delivered.

The Court noted that the notes were transcribed and

received by the parties. The appellant's attorney Ms. Kurlyn Merchant received the copy on 25th September 2020 whilst an e-copy of the notes were provided to Ms. Uter Bent.

The Court was informed that the notes do not give the reasons for the decision but only outlined what transpired at trial.

Counsel for the appellant indicated to the court that she and counsel for the respondent intended to meet to discuss how the matter could be dealt with and as such requested an adjournment.

Case Name: **Leeward Media Group Limited**

v

A. Michael Perkins

SKBHCVAP2012/0011

Date: **Monday, 19th October 2020**

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

Appearances:
Appellant: **Ms Angela Cozier**

Respondent: **No appearance**

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 2nd July 2020.

2. The respondent shall file and serve written submissions with authorities on or before 3rd August 2020.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply, if necessary, on or before 18th August 2020.
4. The hearing of the appeal is fixed for the Court of Appeal sitting in St. Kitts and Nevis during the week commencing 26th October, 2020

Reason:

The Court was informed that the High Court was unable to transcribe the matter as they no longer have a machine that works with the cassettes/tapes.

The High Court endeavored to relay the cassettes/tapes to St. Lucia for transcription but encountered logistical difficulties as the borders of St. Kitts and Nevis were closed.

Case Name:

Patrick Howell

v

The Chief of Police

SKBMCRAP2017/005A

Date:

Monday, 19th October 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Natasha Gray

Appellant present

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 Wednesday 21st October 2020, at 8:15 am.

Reason: The appellant was of the view that his scheduled release date is 15th February 2021 which would present logistical difficulties as the next sitting of the court was in March 2021.

Counsel then later realized that the release date provided by the prisons may be incorrect as the sentence of smuggling is to run consecutively to the other sentences.

Counsel for the DPP's chambers was directed to obtain the Minute of Conviction and revert to the court.

The matter was therefore adjourned.

Case Name: Commissioner of Police

v

1. Kirk Hendrickson
2. Kerry Laws Seetahan

SKBMCRAP2017/0001

Date: Monday, 19th October 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Greatness Gordon

Respondent: Dr. Henry Brown, QC with Mr. O’Grenville Browne

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 8th March 2021 unless a Notice of Discontinuance is sooner filed.

Reason: The appellant indicated that they intended to file a Notice of Discontinuance in the matter.

Case Name: Frederick La Chance

v

Michel Chayer

SKBMCVAP2018/0004

Date: Monday, 19th October 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Renal Edwards

Respondent: Mr. Victor Elliott -Hamilton

Issues: Status of the matter

Type of Order: N/A

Result / Order: N/A

Reason:

The Court was informed that a notice of discontinuance was filed on the morning of the Status Hearing.

Case Name: Nagico Insurance Company Ltd.

v

Carino Hamilton Development Company Ltd

SKBMCVAP2018/0008

Date: Monday, 19th October 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Jordanne- Marie Ebanks

Respondent: No appearance

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis scheduled for 8th March 2021.
2. The Registrar of the High Court shall serve a copy of the order on the respondent personally and shall provide proof of service thereafter.

Reason:

The Court noted that the respondent was without counsel and was not personally served with notice of the status

hearing.

Case Name:

Joel Caines

v

Lloyd Williams

SKBMCVAP2018/0020

Date:

Monday, 19th October 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Eustace Nisbett

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The matter is adjourned to the next Status hearing of the court scheduled for 8th March 2021 for the appellant to be present and to provide proof of service of the Notice of Appeal on the respondent.**
- 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 court was informed that the respondent has not been served with the Notice of Appeal in this matter despite promises from the appellant that he would do so.

The Court noted that there was no evidence of service of the Notice of Appeal on record.

Case Name:

Dr. Charles Warner

v

Franz Charles

SKBMCVAP2018/0001

Date:

Monday, 19th October 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Deniece Alleyne

Respondent: No appearance

Issues:

Status of the matter

Type of Order:

N/A

Result / Order:

N/A

Reason:

The court noted that there was nothing before it as the Appellant had not served the Notice of Appeal on the respondents and the time for doing so had expired.

Counsel for the appellant indicated that she would file a notice of discontinuance.

Case Name:

Kevaughn Adams

v

Stanley Wade

SKBMCVAP2016/0004

Date: Monday, 19th October 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance (Mr. John Cato appearing on record)
Respondent: No appearance (Mr. Hesketh Benjamin on record)

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the court scheduled for 8th March 2021.
2. The Registrar of the High Court shall serve a copy of this order on the parties personally and shall provide proof of service thereafter.

Reason:
The court was informed that the parties were served with the Notice of Appeal.

It could not be ascertained why the parties were not present for the hearing.

Case Name: Patrick Howell

v

The Chief of Police

SKBMCRAP2017/005A

Date: Wednesday 21st October 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Natasha Gray

Appellant present

Respondent: Ms. Greatess Gordon

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 4th December 2020.
2. The respondent shall file and serve written submissions with authorities on or before 8th January 2020.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 25th January 2021.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in St. Kitts and Nevis during the week commencing 22nd March 2021.

Reason: The matter was adjourned for counsel to give an indication of the appellant's sentence and his date of release. The appellant was of the view that his release date was in February 2021.

The charges were:

Possession of firearm – 6 years

Possession of ammunition – 5 years to run concurrently with the 6 year sentence

Smuggling firearms into the Federation – 2 years; time on remand taken into account. To run consecutively with the other two offences.

The appellant was sentenced on 16th February, 2017 and therefore his release date was not in February 2021 as he believed.