

IN THE COURT OF APPEAL OF THE
EASTERN CARIBBEAN SUPREME COURT
STATUS HEARING

SAINT KITTS AND NEVIS
13th May 2019

STATUS HEARINGS

Case Name: Jomi Rawlins v The Director of Public Prosecutions
[SKBHCRAP2015/0001]

Shenroy Francis v The Director of Public
Prosecutions
[SKBHCRAP2015/0002]

Glenroy Rondell Smithen v The Director of Public
Prosecutions
[SKBHCRAP2015/0003]

Nelson Challenger v The Director of Public
Prosecutions
[SKBHCRAP2015/0004]

Moses Gardener v The Queen
[SKBHCRAP2015/0005]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Natasha Grey for Glenroy Smithen

Natasha Grey holding for Jason Hamilton for Jomi Rawlins

Natasha Grey holding for Chesley Hamilton for Moses
Gardner

Natasha Grey holding for Fitzroy Eddy for Shenroy Francis

Sondra Hector holding for E. Robelto Hector for Nelson Challenger

(All Appellants Present)

Respondent: Mr. Teshawn Vasquez

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):**

Adjournment

**Result /
Order:**

IT IS HEREBY ORDERED:

Upon the Court noting that the transcript of proceedings in this matter has not been completed,

- 1. The matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis scheduled for 4th November, 2019.**
- 2. The Registrar is to give this matter some priority towards completion of the transcript.**

Reason:

Mr. Vasquez has indicated that the transcript is not ready. Ms. Liburd of the High Court has indicated that it is challenging due to the length of time of the trial.

Case Name:

**Keith Murray
v
The Queen**

[SKBHCRAP2017/0002]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:
Appellant: Dr. Henry Browne, QC
Respondent: Mr. Teshawn Vasquez

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Adjournment

**Result /
Order:** IT IS HEREBY ORDERED:

Upon the Court noting that the transcript of proceedings in this matter has not been prepared, the matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis scheduled for 4th November, 2019.

Reason: Ms. Liburd of the High Court has indicated that the transcript is not available. It is hoped that it will be ready in time for the next sitting. Dr. Browne QC has indicated that he is told by the appellant that his family has made contact with his Chambers to represent him.

Case Name: Raheem Crossley
v
The Director of Public Prosecutions

[SKBHCRAP2015/0010]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Ms. Natasha Grey holding for Mr. Chesley Hamilton;
(Appellant present)

Respondent: Mr. Teshawn Vasquez

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Adjournment

**Result /
Order:** IT IS HEREBY ORDERED:

Upon the Court noting that the transcript of proceedings is near completion, the matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis scheduled for 4th November, 2019.

Reason: Ms. Liburd of the High Court has indicated that the notes have been worked on and should be completed by the end of June.

Case Name: Jahari Bart
v
The Queen

[SKBHCRAP2017/0001]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant:	Ms. Natasha Grey holding for Chesley Hamilton (Appellant present)
Respondent:	Mr. Teshawn Vasquez

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Adjournment

**Result /
Order:** IT IS HEREBY ORDERED:

Upon the Court noting that the transcript of proceedings in this matter has not been prepared, the matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis scheduled for 4th November, 2019.

Reason: The transcript is not available.

Case Name: Denver Fyfield
v
The Director of Public Prosecutions

[SKBHCRAP2015/0009]

Date:	Monday, 13th May 2019
Before:	Ms. Desma Charles, Deputy Chief Registrar
Appearances:	
Appellant:	Dr. Henry Browne, QC (Appellant present)
Respondent:	Mr. Teshawn Vasquez
Issue:	Status of the matter
Type of Result / Order Delivered (if applicable):	Directions
Result / Order:	IT IS HEREBY ORDERED: 1. The appellants shall file and serve written submissions with authorities on or before the 28th June, 2019. 2. The respondent shall file and serve written submissions with authorities on or before the 29th July, 2019. 3. The appellant is at liberty to file and serve written submissions in reply, on or before the 17th September, 2019. 4. The hearing of the appeal is adjourned to the next sitting of the Court of appeal in St. Kitts and Nevis during the week commencing 11th November, 2019.
Reason:	The record of appeal was served on Dr. Browne's Chambers. Dr. Browne is informed that a family member of the Appellant came to retrieve it from his Chambers. The Appellant is now made aware of this. Mr. Browne requests an adjournment for the preparation and filing of submissions. Mr. Vasquez does not object. The matter is ready to proceed. The Record completed and has been served.

Case name:

Sandy Nisbett

v

The Queen

[SKBHCRAP2012/0014]

Date:

Monday, 13th May 2019

Before:

Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Dr. Henry Browne QC, holding for Mr. Hesketh Benjamin

Respondent: Mr. Teshawn Vasquez

Issue:

Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):**

Directions

**Result /
Order:**

IT IS HEREBY ORDERED:

Upon noting the request by counsel for the appellant that the matter be put before the Full Court for report due to the sensitive nature of the medical condition of the appellant, the matter is set for report before the Full Court at the sitting of the Court in St. Kitts and Nevis during the week commencing 20th May 2019.

Reason:

Dr. Browne indicated that the latest information he received is that the Appellant's medical situation is of a very sensitive nature and he requests that the matter be put before the Full Court for report and directions to be given in light of the medical status of the appellant. The transcript of proceedings is prepared.

Case name: **The Commissioner of Police**
V
[1] Kirk Hendrickson
[2] Kerry Laws Seetahan
[SKBMCRAP2017/0001]

Date: **Monday, 13th May 2019**

Before: **Ms. Desma Charles, Deputy Chief Registrar**

Appearances:
Appellant: **Mr. Teshawn Vasquez**
Respondents **Dr. Henry Browne QC**
:

Issue: **Status of the matter**

Type of **Adjournment**
Result / Order
Delivered
(if
applicable):

Result / **IT IS HEREBY ORDERED**
Order:

1. The Chief Magistrate shall cause the record of appeal including the reasons for the decision to be prepared and submitted to the Registrar of the High Court on or before the 30th June 2019, failing which the Chief Magistrate shall provide an affidavit indicating why the record of appeal was not prepared.
2. The appeal is adjourned for further status hearing at the next sitting of the Court of Appeal in St Kitts and Nevis

during the week commencing the 4th November 2019.

Reason: The Appellant filed a Notice of Appeal but inadvertently did not serve the magistrate. It was only served last week. He therefore seeks an adjournment to facilitate the preparation of the record by the magistrate. The status of the matter is unclear and the appellant current resides out of state.

Case name: Abia Hendrickson
v
The Chief of Police
[SKBMCRAP2016/0014]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:
Appellant: Ms. Sondra Hector holding for Ms. Marsha Henderson
Respondent: Mr. Teshawn Vasquez

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Oral Decision

**Result and
Reason:** Upon noting that the notice of discontinuance was filed on 10th May 2019 in the High Court.

The matter is hereby discontinued and dismissed as of 10th May 2019. The notice of discontinuance having been filed, the matter is hereby withdrawn and dismissed as of 4th February

2019.

Case name: **The Commissioner of Police**
v
Akile Glasgow
[SKBMCRAP2017/0003]

Date: **Monday, 13th May 2019**

Before: **Ms. Desma Charles, Deputy Chief Registrar**

Appearances:
Appellant: **Mr. Teshawn Vasquez**
Respondent: **Dr. Henry Browne QC**

Issue: **Status of the matter**

Type of
Result / Order
Delivered
(if
applicable): **Directions**

Result /
Order: **IT IS HEREBY ORDERED:**

Upon noting that the appellant filed submissions on 10th May and served same on 13th May 2019

- 1. The respondent shall file and serve written submissions with authorities on or before the 8th June, 2019.**
- 2. The appellant is at liberty to file and serve written submissions, in reply on or before the 23rd June 2019.**
- 3. The hearing of the appeal is adjourned to the next**

sitting of the Court of Appeal is St. Kitts and Nevis during the week commencing the 11th November 2019.

Reason:

The Appellant filed submissions on 10th May 2019 and served same on respondent this morning, 13th May, Dr. Browne QC for the Respondent has not yet had sight of the Appellant's submissions.

Case name:

**Commissioner of Police
v
Jonathon Christopher McLaughlin
[SKBMCRAP2018/0001]**

Date:

Monday, 13th May 2019

Before:

Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Mr. Teshawn Vasquez

**Respondent/
Applicant: No appearance**

Issue:

Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):**

Oral Decision

**Result and
Reason**

IT IS HEREBY ORDERED:

Upon noting the indication by counsel for the appellant that a notice of discontinuance will be filed in this matter, the appeal

is adjourned to the next status hearing of the court in St. Kitts and Nevis during the week commencing 4th November 2019.

Case Name: Ermine Daniel
V
[1] Kirthley Daniel
[2] Lorna Sutton
[SKBHCVAP2012/0022]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:
Appellant: Mrs. Emily Prentiss Blackett (Appellant present)
Respondent: No appearance

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Directions

**Result /
Order:** IT IS HEREBY ORDERED:

1. The matter is adjourned to the next status hearing of the Court of Appeal in St. Kitts and Nevis during the week commencing 4th November 2019.
2. The Registrar of the High Court is to continue to take steps to effect service of the hearing date on the respondents personally and shall provide proof of service within 21 days of the date of this order.
3. Upon the transcript being rectified, the matter shall proceed in accordance with CPR 2000.

Reason: The transcript was received but is incomplete in that substantial parts are missing. Mrs. Prentiss-Blackett was asked to contact the Court for assistance. She has written but has not yet received a response. At the last status hearing the Court directed that Mr. Daniel be served personally. To date there has been no service of the transcript personally.

Case Name: Lynda Lou Liburd
v
Robert Liburd
[SKBHCVAP2017/0007]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:
Appellant: Ms. Sondra Hector holding for Ms. Marsha Henderson
Respondent: Ms. Miselle O'Brien

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Adjournment

**Result and
Reason:** IT IS HEREBY ORDERED:
Upon the Court noting that the transcript of proceedings in

this matter has not been prepared, the matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis scheduled for 4th November, 2019.

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

[SKBHCVAP2015/0020]

Date: **Monday, 13th May 2019**

Before: **Ms. Desma Charles, Deputy Chief Registrar**

Appearances:
Appellant: **Mrs. Emily Prentiss Blackett**
Respondent: **Ms. Danni Maynard holding for Mr. Garth Wilkin**

Issue: **Status of the matter**

**Type of
Result / Order
Delivered
(if
applicable):** **Adjournment**

**Result and
Reason** **IT IS HEREBY ORDERED:**

Upon the Court noting that the transcript of proceedings in this matter has not been prepared, the matter is adjourned to the next status hearing of the court in St. Kitts and Nevis scheduled for 4th November, 2019.

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

[SKBHCVAP2015/0021]

Date: **Monday, 13th May 2019**

Before: **Ms. Desma Charles, Deputy Chief Registrar**

Appearances:
Appellant: **Mrs. Emily Prentiss Blackett**
Respondent: **Ms. Danni Maynard holding for Mr. Garth Wilkin**

Issue: **Status of the matter**

Type of
Result / Order
Delivered
(if
applicable): **Adjournment**

Result / **IT IS HEREBY ORDERED:**
Order:and
Reason

Upon the Court noting that the transcript of proceedings in this matter has not been prepared, the matter is adjourned to the next status hearing of the court in St. Kitts and Nevis scheduled for 4th November, 2019.

Case Name: **Kimberly Ward**
v

[1] Chief of Police
[2] The Attorney General of St. Christopher and Nevis

[SKBHCVAP2014/0004]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Mr. Terence Byron

Respondent: Mr. Teshawn Vasquez

Issue: : **Status of the matter**

**Type of
Result / Order
Delivered
(if
applicable):** **Adjournment**

**Result /
Order:** **IT IS HEREBY ORDERED:**

Upon the Court noting that the Appellant is in a comatose state, the matter is removed from the list until such time as the Court is notified of either a change in the state of the appellant's health or any other factor to allow the matter to be re-listed.

Reason: According to Counsel, the Appellant has been in a coma. He is informed that she has returned to St. Kitts but he understands that she is in a low state. The question now is whether she is capable of giving instructions to continue the appeal. Mr. Vasquez does not have instructions from the DPPs Chambers but he is willing to cooperate with counsel on the other side in allowing a final adjournment in an attempt to move the matter forward.

Case Name: **The Attorney General of Saint Christopher and Nevis**
v
Dr. Denzil Douglas

[SKBHCVAP2019/0007]

Date: **Monday, 13th May 2019**

Before: **Ms. Desma Charles, Deputy Chief Registrar**

Appearances:
Appellant: **Ms. Talibah Byron led by Mr. Douglas Mendes SC**
Respondent: **Ms. Renel Edwards holding for Angelina Gracy Sookoo-Bobb led by Anthony Astaphan SC**

Issue: **Status of the matter**

**Type of
Result / Order
Delivered
(if
applicable):** **Directions**

**Result /
Order:** **IT IS HEREBY ORDERED:**

Upon noting the proposed date mutually convenient to counsel that the matter be heard during the week commencing 17th June 2019,

- 1. The matter is tentatively fixed for hearing before the full court in Antigua and Barbuda during the week commencing 17th June 2019.**
- 2. The Court will therefore notify the parties as to the suitability of that date.**

Reason **Counsel is proposing the week of 17th June 2019 for hearing in pursuance of order of single judge dated 19th March 2019 that the appeal be treated as an urgent appeal. Counsel have**

agreed to abridging the time for filing submissions.

Case Name:

**[1] Eugene Petty
[2] Doreen Petty
v
[1] Adison Markman
[2] Sylvia Mills**

[SKBHCVAP2017/0012]

Date:

Monday, 13th May 2019

Before:

Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Mr. Terence Byron

**Respondent: Ms. Renel Edwards for 1st Respondent;
Ms. Niselle O Brien for 2nd Respondent**

Issue:

Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):**

Oral Decision

**Result and
Reason**

IT IS HEREBY ORDERED:

Upon noting that the appellant has filed and served submissions in compliance with the order of the Court dated 21st January 2019 and that counsel is ready to proceed, the matter is hereby restored to the appeals list for hearing during the Court of Appeal sitting in St. Kitts and Nevis during the week commencing 20th May 2019.

Case Name: **Leeward Media Group Limited**
v
A. Michael Perkins

[SKBHCVAP2012/0011]

Date: **Monday, 13th May 2019**

Before: **Ms. Desma Charles, Deputy Chief Registrar**

Appearances:
Appellant: **Mrs. Emily Prentiss-Blackett**
Respondent: **Mr. Brian Barnes**

:
Issue: **Status of the matter**

Type of **Oral Decision**
Result / Order
Delivered
(if
applicable):

Result and **IT IS HEREBY ORDERED**
Reason:

The matter is hereby restored to the appeals list for further report at the Court of Appeal sitting in St. Kitts and Nevis during the week commencing 20th May 2019.

Case Name: **Junior McFarlane**
v
Desdemona Henry

[SKBMCVAP2015/0005]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Ms. Natasha Grey

Respondent: No appearance (Respondent is deceased)

Issue: Status of the matter

Type of Result / Order Delivered (if applicable): Oral Decision

Result and Reason: IT IS HEREBY ORDERED

Upon the court noting that the respondent is deceased, the matter is removed from the list until such time as the court is notified of the appointment of a representative for the respondent.

Case Name: Delisle Walwyn & Co. Ltd.
V
Vivar Edwards

[SKBMCVAP2017/0001]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant: Ms. Sherry Ann Liburd-Charles

Respondent Ms. Natasha Grey

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Directions

**Result /
Order:** IT IS HEREBY ORDERED

UPON noting that the appellant filed and served submissions on 23rd April 2019

AND UPON noting that Counsel have agreed to the timetables for filing submissions;

1. The respondent shall file and serve written submissions with authorities on or before 1st July 2019.
2. The appellant is at liberty to file written submissions in reply on or before 16th July 2019.
3. The hearing of the appeal is adjourned to the next sitting of the Court in St. Kitts and Nevis during the week commencing 11th November 2019.

Reason: The respondent has not filed submissions. The appellant does not object to the request for adjournment.

Case Name: Steve Powell
v
Laurell Dorset

[SKBMCVAP2016/0008]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:

Appellant:	Mr. Steve Powell In person
Respondents	No appearance

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Adjournment

**Result /
Order:** IT IS HEREBY ORDERED:

Upon noting that the appellant is unrepresented but is seeking legal representation, the matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis during the week commencing 4th November 2019.

Reason: Mr. Powell indicated that he is in the process of seeking legal advice and retaining counsel.

Case Name:

**Martin Andrew
v
Derrick Browne**

[SKBMCVAP2018/0002]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:
Appearances:

Appellant: Mr. Eustace Nisbett holding for Mr. Patrice Nisbett

Respondent: Ms. Kurlyn Merchant

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):**

Directions

**Result /
Order:Issue:**

IT IS HEREBY ORDERED:

1. The appellants shall file and serve written submissions with authorities on or before the 13th day of June, 2019.
2. The respondent shall file and serve written submissions with authorities on or before the 15th July, 2019.
3. The appellants are at liberty to file and serve written submissions in reply, if necessary, on or before the 31st July, 2019.
4. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in St. Kitts and Nevis during the week commencing 11th November, 2019.

Reason:

Counsel with conduct of the matter is overseas seeking medical attention. Counsel have discussed and agreed that Ms. Nisbett would require additional time to file submissions and then the matter could proceed at the next sitting of the Court.

Case Name:

**Lawrington Powell
v**

Edmund Slack

[SKBMCVAP2018/0016]

Date: Monday, 13th May 2019

Before: Ms. Desma Charles, Deputy Chief Registrar

Appearances:
Appellant: Mrs. Emily Prentiss-Blackett (Appellant present)

Respondent: Mr. Oral Martin

Issue: Status of the matter

**Type of
Result / Order
Delivered
(if
applicable):** Adjournment

**Result /
Order:** IT IS HEREBY ORDERED:

UPON counsel for the appellant requesting a final adjournment in order to continue discussions to settle the matter

AND UPON counsel not objecting to the request for a final adjournment;

The matter is adjourned for the final time to the next status hearing of the Court of Appeal in St. Kitts and Nevis during the week commencing 4th November 2019.

Reason: Transcripts of proceedings have not yet been prepared.