

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL

CHAMBER HEARING

21st January 2020

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Louise Esther Blenman, Justice of Appeal

Case Name: Aikeem Lionel Rogers

v

Regina

[AXAHCRA2019/0001]
(Anguilla)

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal – Application for legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time within which to appeal is granted.
2. The application for legal aid and for the transcript to be provided free of charge is granted.
3. The notice of appeal against conviction filed on 15th August 2019 is deemed properly filed.

Reason:

The Court was satisfied that the applicant met the requirements for the grant of an extension of time. The Court was also satisfied that the applicant satisfied the requirements for legal aid to be granted and for the transcript to be provided free of charge.

Case Name:

[1] National Bank of Anguilla Limited (in receivership)
[2] Caribbean Commercial Investment Bank Limited (in administration)

Claimants/Respondents

v

[1] National Bank of Anguilla Limited (in receivership)
[2] Caribbean Commercial Bank (Anguilla) Limited (in receivership)
[3] National Commercial Bank of Anguilla Limited

Applicants/Appellant/Third Defendant

[4] Eastern Caribbean Central Bank
[5] Martin Dinning
[6] Hudson Carr
[7] Shawn Williams
[8] Robert Miller

Defendants

[AXAHCVAP2019/0004]
(Anguilla)

Date:

Thursday, 23rd January 2020

On paper:

Applicant: Mr. J. Alex Richardson (J. Alex Richardson & Associates)

Respondent: Ms. Eustella Fontaine (Fontaine & Associates)

Issues: Application for extension of time

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file an appeal is granted.
2. The notice of appeal filed on 12th December 2019 is deemed properly filed.

Reason: The Court was satisfied that the applicant met the requirements for the grant of an extension of time.

Case Name: [1] Clico International Life Insurance Ltd
[2] Wilbur Harrigan (As Administrator of
Clico International Life Insurance Ltd.)
Appellants

v

Eastern Caribbean Baptist Mission
Respondent

and

[1] Clico International Life Insurance Ltd
[2] Wilbur Harrigan (As Administrator of
Clico International Life Insurance Ltd.)
Appellants

v

Jerriann George
Respondent

Clico International Life Insurance Ltd

and

**Wilbur Harrigan (As Administrator of
Clico International Life Insurance Ltd.)**

Appellants

v

Hemsworth Jonas

Respondent

**[ANUHCVAP2019/0035]
(Antigua and Barbuda)**

Date: Thursday, 23rd January 2020

On paper:

Appellants: Mr. Simon Rogers Murdoch (Chancellor Chambers)

Respondent: Ms. Andrea L. Smithen (Marshall & Co.)

Issue: Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellants shall serve the respondents with a copy of the application for a stay of execution, pending appeal, of the decision of Wilkinson J delivered on 7th October 2019 within 14 days of the days of this order and provide the Court with proof of service of same.**
- 2. The application for a stay of execution, pending appeal, is adjourned for further consideration to the next chamber sitting of the Court scheduled for 18th February 2020.**

Reason:

The Court noted that there was no proof of service of the application for a stay of execution on the respondents.

Case Name:

Anderson Carty

v

Gentiste Christian

**[ANUMCVAP2019/0005]
(Antigua and Barbuda)**

Date:

Thursday, 23rd January 2020

On paper:

Applicant:

In person

Issue:

Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file a copy of the order of the Magistrate's Court for which leave to appeal is being sought within 14 days of the date of this Order.**
- 2. The applicant shall serve the respondent with a copy of the application for an extension of time to appeal, the affidavit in support and the order of the Magistrate and provide proof of service of the same within 14 days of the date of this Order.**
- 3. The application for an extension of time to apply for leave to appeal is adjourned for further consideration to the next chamber sitting of the Court scheduled for 18th February 2020.**

Reason:

The applicant did not comply with the order of Thom JA dated 17th December 2019 directing him to file a copy of the order of the Magistrates' Court and to serve the said order along with a copy of the application for an extension of time to appeal and affidavit in support on

the respondent and provide proof of service.

Case Name:

Sheldon Aird

v

The Commissioner of Police

**[ANUMCRAP2019/0016]
(Antigua and Barbuda)**

Date:

Thursday, 23rd January 2020

On paper:

Applicant/Appellant: **In person**

Respondent: **The Director of Public Prosecutions**

Issues:

Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide this Court with a copy of the minute of conviction and sentence of the applicant and shall serve a copy on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this Order.**
- 2. The Registrar of the High Court shall provide this Court with proof of service of the application for extension of time within which to appeal on the respondent within 14 days of the date of this Order.**
- 3. The application for an extension of time within which to appeal is adjourned for further**

consideration to the next sitting of the Court scheduled for 18th February 2020.

Reason: The Court noted that there was no proof of service of the application for extension of time to appeal on the respondent. The Court also noted that there was no minute of conviction and sentence was not on file.

Case Name: [1] Marie Jose Edwards
[2] Paul Edwards

v

**Alrick Griffin Edward Byron Hunt
(also known as Edward Hunt)**

**DOMMCVAP2014/0021
(Commonwealth of Dominica)**

Date: Thursday, 23rd January 2020

On paper:

Applicant:	Lisa de Freitas for Ms. Angela Hunt and Mrs. Catherine Christmas nee Hunt
-------------------	---

Respondent:	Singoalla Blomqvist-Williams
--------------------	------------------------------

Issue: Application to substitute personal representatives of the estate of respondent as party in appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Leave is granted to the applicants, Angela Hunt and Catherine Christmas nee Hunt, the personal representatives of the Estate of the respondent, Alrick Griffin Edward Byron Hunt, deceased to be substituted as the respondents in

DOMHCVAP2014/0021.

Reason: The Court noted that a grant of probate in the Estate of the respondent was issued to Angela Hunt and Catherine Christmas nee Hunt on 1st August 2019.

Case Name: Khani George
v
St. Luce Jno Lewis

**[DOMMCVAP2019/0004]
(Commonwealth of Dominica)**

Date: Thursday, 23rd January 2020

On paper:
Applicant: In person

Issue: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall furnish this Court with a copy of the decision of Magistrate Michael Bruney dated 4th May 2018 within 14 days of the date of this order.
2. The applicant shall provide proof of service of the application for leave to file an appeal out of time within 14 days of the date of this order.
3. The Registrar of the High Court is to serve a copy of this order on the Chief Magistrate and the applicant.
4. The application for leave to file an appeal out of time is adjourned for further consideration at the next chamber hearing of the Court scheduled for 18th February 2020.

Reason:

The Court noted that the decision of Magistrate Michael Bruney dated 4th May 2018 against which leave to appeal out of time was being sought has not been provided. The Court also noted that there was no proof of service of the orders made on 24th September 2019, 22nd October 2019, 19th November 2019 and 17th December 2019 on the Chief Magistrate or the applicant.

Case Name:

[1] Griffin Charles
[2] Charmaine Pascal-Charles

v

[1] Coreen Nicholas
[2] Neville Charles
[3] Thomas Bougouneau

[DOMHCVAP2019/0004]
(Commonwealth of Dominica)

Date:

Thursday, 23rd January 2020

On paper:

Applicants: Mr. Tiyani Behanzin

Issues:

Application for leave to appeal out of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file a copy of the decision of the learned judge for which leave to appeal is sought.
2. The applicant shall serve a copy of the notice of application for leave to appeal out of time on the respondents and file proof of service thereof within

14 days of the date of this order.

3. The application for leave to appeal out of time against the decision of a learned judge is adjourned for further consideration to the next chamber sitting of the Court scheduled for 18th February 2020.

Reasons:

The Court noted that the decision of the learned judge against which leave to appeal out of time was being sought has not been provided. The Court also noted that there was no proof of service of the application for leave to appeal out of time on the respondents.

Case Name:

[1] Griffin Charles
[2] Charmaine Pascal-Charles

v

CC & IP Law Practitioners

[DOMHCVAP2019/0005]
(Commonwealth of Dominica)

Date:

Thursday, 23rd January 2020

On paper:

Applicant:

Mr. Tiyani Behanzin

Issue:

Application for leave to appeal out of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file a copy of the decision of the learned judge for which leave to appeal is sought.
2. The applicant shall serve a copy of the notice of application for leave to appeal out of time on the respondent and file proof of service thereof within 14 days of the date of this order.
3. The application for leave to appeal out of time against the decision of a learned judge is adjourned for

further consideration to the next chamber sitting of the Court scheduled for 18th February 2020.

Reason:

The Court noted that the decision of the learned judge against which leave to appeal out of time was being sought has not been provided. The Court also noted that there was no proof of service of the application for leave to appeal out of time on the respondent.

Case Name:

[1] Margaret Salfarlie

[2] Adrian Romain

[3] Elizabeth Peters

v

**[1] Catherine Charles (By her duly
appointed Power of Attorney Dorset
Charles)**

[2] Louis Charles

**[GDAHCVAP2019/0025]
(Grenada)**

Date:

Thursday, 23rd January 2020

On paper:

Applicants: Mr. C. Jerry Edwin

Respondent: Ms. Sabrita Khan-Ramdhani

Issues:

Application for leave to appeal out of time

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal out of time against the decision of Glasgow J filed on 18th November 2019 is granted.**
- 2. The applicants shall file and serve the notice of appeal within 21 days of the date of this Order.**
- 3. The appeal shall proceed in accordance with the Civil**

Procedure Rules 2000.

Reason: The Court was satisfied that the applicants had met the requirements for the grant of an extension of time.

Case Name: Odette Campbell
v
Rawle Titus
[GDAHCVAP2019/0027]
(Grenada)

Date: Thursday, 23rd January 2020

On paper:
Applicant: Mr. Alban M. John

Issues: Application for leave to appeal – Application that hearing of application for leave to appeal be treated as the appeal - Application for stay of execution pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applications for a stay of proceedings pending appeal against the order of Gilford J dated 4th November 2019 and for the hearing of the application for leave to appeal to be treated as an appeal are dismissed.
2. The application for leave to appeal against the order of Gilford J dated 4th November 2019 is granted.
3. The applicant shall file and serve the notice of appeal within 21 days of the date of this order and the appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court was of the view that the order is not one that

can be properly stayed pending appeal. The Court was further of the view that the applicant has not demonstrated why the application for leave to appeal should be treated as an appeal.

Case Name: Tris Warren
v
The Queen

[GDAHCRAP2019/0028]
(Grenada)

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal against sentence is granted.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Reason: The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal.

Case Name:

**The Attorney General
v
Simon Riley**

**[MNIHCVAP2019/0008]
(Montserrat)**

Date:

Thursday, 23rd January 2020

On paper:

Appellant/Counter-Respondent: **Mrs. Sheree Jemmotte-Rodney (Attorney General's Chambers)**

Respondent/Counter-Appellant: **Mr. Sylvester Carrott**

Issue:

Application for stay of execution pending determination of appeal

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application for a stay of execution pending the determination of the appeal is refused.**

Reason:

The Court noted that based on the principles set out in the authorities such as C-Mobile Services Limited v Huawei Technologies Co. Ltd, that the applicant has not satisfied the requirements for the grant of a stay of execution of the order of Justice Evans dated 1st July 2019.

Case Name:

**Bertrand Burke
v
[1] Mildred Kirwan
[2] Highlander Properties Ltd**

**[MNIHCVAP2019/0007]
(Montserrat)**

Date: Thursday, 23rd January 2020

On paper:

Applicant: Mr. Hogarth Sergeant

Respondents: Mr. Warren M. Cassell

Issue: Application to set aside order

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application to set aside the order of Morley J dated 25th March 2019 shall be listed for case management by the Chief Registrar, within 10 days of this order at a date and time to be determined by the Chief Registrar in consultation with counsel.

Case Name: Keith Herbert
v
The Queen

**[SKBHCRAP2018/0005]
(Saint Christopher and Nevis)**

Date: Tuesday, 21st January 2020

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for leave to appeal out of time

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file, by way of letter or otherwise, his reasons for delay in filing a notice of appeal against conviction.**
- 2. The Registrar of the High Court shall furnish the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of the date of this order.**
- 3. The Registrar of the High Court shall, within 21 days, serve on the Director of Public Prosecutions a copy of this order, the notice of appeal and the minute of conviction and sentence of the applicant.**
- 4. The matter is adjourned to the next chamber hearing of this Court scheduled for 18th February 2020.**

Reason:

The appellant, having been convicted on 9th March 2006, requires an extension of time to appeal.

Case Name:

**[1] Gregory Gilpin-Payne
[2] International Investments & Consulting Ltd.**

v

**[1] Stephen First
[2] Corporate Capital (Asia) Ltd.**

**[SKBHCVAP2019/0041]
(Saint Christopher and Nevis)**

Date:

Tuesday, 21st January 2020

On paper:

Applicants: Mr. Gregory Gilpin-Payne

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted a further 14 days from the date of this Order within which to file a copy of the order of Ventose J dated 17th October 2019.
2. The hearing of the application for leave to appeal is adjourned for further consideration at the next Chamber Hearing of this Court scheduled for 18th February 2020.

Reason: The applicant did not attach the order of Ventose J dated 17th October 2019 for which leave to appeal is sought to the application for leave to appeal.

Case Name: Shawn Richards
v
Nigel Carty

[SKBHCVAP2019/0021]

(Saint Christopher and Nevis)

Date: Thursday, 23rd January 2020

On paper:

Applicant: Mr. Terence V. Byron (Byron & Byron)

Respondent: Mrs. Angelina Gracy Sookoo-Bobb (Law Offices of
Sylvester Anthony)

Issue: Application for stay of execution pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant is granted a further 14 days from the date of this order within which to file a copy of the order of the court below for which a stay of execution pending appeal is sought.**
- 2. The application for a stay of execution is adjourned for further consideration at the next Chamber Hearing of this Court scheduled for 18th February 2020.**

Reason:

The Court noted that a copy of the order for which a stay of execution pending appeal is being sought had not yet been filed.

Case Name:

**[1] Gregory Gilpin-Payne
[2] International Investments & Consulting Ltd.**

v

**[1] Stephen First
[2] Corporate Capital (Asia) Ltd.**

**[SKBHCVAP2019/0044]
(Saint Christopher and Nevis)**

Date:

Tuesday, 21st January 2020

On paper:

Applicant: Mr. Gregory Gilpin-Payne

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave to appeal against the order of Ventose J dated 31st October 2019 is dismissed.

Reason:

The application for leave to appeal was filed outside the time prescribed by rule 62.2(1) of the Civil Procedure Rules 2000 and the applicants have not applied for an extension of time within which to apply for leave.

Case Name:

Derrick Hazel Garvey

v

Michella Adrien

[SKBHCVAP2013/0018]

(Saint Christopher and Nevis)

Date:

Tuesday, 21st January 2020

On paper:

Applicant:

In person

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave to appeal to the Court of Appeal for an order pursuant to rule 68.4(1) of the Civil Procedure Rules 2000 is dismissed in so far as the application ought to have been filed in the High Court.

Reason: The Court noted that rule 68.4 of the Civil Procedure Rules 2000 which addresses the lodgments of grants in proceedings for revocation contemplates that such grants must be lodged at the High Court and not the Court of Appeal.

Case Name: Prince Yahweh Henry
v
The Director of Public Prosecutions
[SKBHCRA2019/0011]
(Saint Christopher and Nevis)

Date: Tuesday, 21st January 2020

On paper:
Applicant: Natasha Grey (Grey's Legal Chambers)
Respondent: Director of Public Prosecutions

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application for the order of Ward J dated 2nd December 2019 to be stayed pending the hearing and determination of the appeal is adjourned for further

consideration by the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis scheduled for the week commencing 10th February 2020.

Reason: The Court noted that the applicant's trial had not yet commenced.

Case Name: [1] Raphael Charlemagne
[2] Marilyn Martin aka Marilyn Charlemagne
v
[1] The Attorney General
[2] Saint Lucia National Housing Corporation,
formerly St. Lucia Housing Authority

[SLUHCVAP2019/0025]
(Saint Lucia)

Date: Tuesday, 21st January 2020

On paper: **Applicant:** Ms. Natalie DaBreo

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall take the necessary steps to obtain the order of Justice Godfrey Smith dated 31st October 2019 and provide this court with the same within 14 days of the date of this order.
2. The application for leave to appeal is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 18th February 2020.

Reason: A copy of the order of Smith J for which leave to appeal is being sought was not provided to the Court.

Case Name:

Joshua Francis

v

The Queen

[SLUHCRA2019/0003]

(Saint Lucia)

Date:

Tuesday, 21st January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue:

**Application for leave to appeal against sentence –
Application for extension of time within which to appeal
against sentence**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted an extension of time within which to appeal against his sentence.**
- 2. The applicant is granted leave to appeal against his sentence.**
- 3. The applicant shall file the notice of appeal within 14 days of the date of this order.**

Reason:

The Court was satisfied that the applicant had met the requirements for a grant of extension of time and for leave to appeal.

Case Name:

Grant Lionel

v

The Queen

**[SLUHCRA2019/0004]
(Saint Lucia)**

Date: Tuesday, 21st January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for leave to appeal against sentence –
Application for extension of time within which to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to appeal against his sentence.
2. The applicant is granted leave to appeal against his sentence.
3. The applicant shall file the notice of appeal within 14 days of the date of this order.

Reason:

The Court was satisfied that the applicant had met the requirements for a grant of extension of time and for leave to appeal.

Case Name:

**[1] Richard Frederick
[2] Almus Mcdowall trading as Mcdowall
Broadcasting Corporation**

v

Agnes Francis

**[SLUHC2019/0024]
(Saint Lucia)**

Date: Tuesday, 21st January 2020

On paper:

Applicant: Mr. Horace Fraser

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court is directed to obtain reasons from Smith J in relation to the order dated 2nd October 2019 within 14 days of the date of this order.**
- 2. Upon receipt of the reasons for decision, the Registrar shall furnish the applicant with a copy of the reasons for decision immediately and shall provide proof of service thereafter.**
- 3. The application for leave to appeal is adjourned for further consideration to the next Chamber Hearing of the Court scheduled for 18th February 2020.**

Reason:

The applicants were only served on 16th January 2020 with the Court's previous orders dated 19th November 2019 and 17th December 2019 directing the Registrar of the High Court to take the necessary steps to obtain reasons for the order of Smith J dated 2nd October 2019.

Case Name:

**Justina Samuel
v
Bank of Saint Lucia Limited
[SLUHCVP2019/0022]
(Saint Lucia)**

Date:

Tuesday, 21st January 2020

On paper:

Applicants: Mr. Leevie Herelle (Leevie Herelle & Associates)

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide this Court with a copy of the decision of St. Rose-Albertini J dated 2nd August 2019 and re-issued on 16th August 2019 within 14 days of the date of this order.
2. The application for leave to appeal is adjourned for further consideration to the next Chamber Hearing of the Court scheduled for 18th February 2020.

Reason:

The applicant was only served with the previous orders of the Court dated 22nd October 2019, 19th November 2019 and 17th December 2019 on 16th January 2020.

Case Name:

Shelly McIntosh aka Shelly Garraway

v

Gretel John

[SVGHCVAP2019/0020]

(Saint Vincent and The Grenadines)

Date:

Thursday, 23rd January 2020

On paper:

Applicant: Ms. A. Anique Cummings (Cardinal Law Firm)

Issue:

Application for extension of time to serve notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant or her agent is permitted to serve the respondent, Gretel John, at 1-1555 Edouard-Luarin Ville St. Lauren PQ H4L2B2 Montreal, Quebec, Canada or at any other address the respondent may

be currently located in Canada.

2. The appellant shall serve the respondent with a copy of the application for an extension of time to serve the notice of appeal and provide this Court with proof of service within 21 days.
3. The application for an extension of time to serve the notice of appeal out of time is adjourned for further consideration at the next Chamber Hearing scheduled for 18th February 2020.

Reason:

The Court was satisfied that the applicant had met the requirements for the grant of permission to serve the notice of appeal outside of the jurisdiction of the Court.

Case Name:

Carlos Penniston

v

The Queen

[SVGHCRA2016/0016]

(Saint Lucia)

Date:

Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue:

Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve copies of the applications dated 24th November 2016 and 19th August 2019 on the Director of Public Prosecutions and provide this Court with proof of service of the applications within 14 days of this order.
2. The application dated 19th August 2019 for leave to

appeal against sentence is adjourned for report before the Full Court at the next sitting of the Court of Appeal in Saint Vincent and the Grenadines scheduled for the week commencing 24th February 2020.

Reason: The Court was of the view that the application should be adjourned for report before the Full Court during the next sitting of the Court in Saint Vincent and the Grenadines.

Case Name: Emerson Delpheche
v
The Queen
[SVGHCRAP2018/0006]
(Saint Vincent and The Grenadines)

Date: Tuesday, 21st January 2020

On paper:
Applicant: In person

Issues: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the application for bail pending appeal on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this Order.
2. The application for bail pending appeal is adjourned for further consideration at the next Chamber Hearing scheduled for 18th February 2020.

Reason: There is no evidence that the application by letter for bail

pending appeal was served on the Director of Public Prosecutions.

Case Name: **Ezekiel Robin**
v
The Queen
[SVGHCRA2019/0013]
(Saint Vincent and The Grenadines)

Date: Thursday, 23rd January 2020

On paper: Appellant: In person
Respondent: Director of Public Prosecutions

Issue: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application by way of letter for bail pending appeal is refused.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: **Kemron Spencer**
v
The Queen
[SVGHCRA2018/0013]
(Saint Vincent and The Grenadines)

Date: Thursday, 23rd January 2020

On paper:

Appellants: In person

Respondents: Director of Public Prosecutions

Issues: Application for extension of time within which to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The notice of application for extension of the time within which to appeal is granted.
2. The applicant shall file the notice of appeal within 14 days of the date of this order.
3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.

Reason: The Court was satisfied that the applicant had met the requirements for the grant of an extension of time within which to appeal.

Case Name: Raymond Henry
v
The Queen
[SVGHCRA2019/0026]
(Saint Vincent and the Grenadines)

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time within which to appeal is granted.**
- 2. The applicant is granted leave to appeal against sentence.**
- 3. The applicant shall file the notice of appeal within 14 days of the date of this order.**
- 4. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.**

Reason:

The Court was satisfied that the applicant had met the requirements for the grant of an extension of time within which to appeal.

Case Name:

Eurney Jackson

v

The Queen

[SVGHCRA2019/0029]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 21st January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue:

Application for leave to appeal against conviction and sentence – Application for extension of time

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted an extension of time within which to appeal against conviction and sentence.**
- 2. The application for leave to appeal against conviction and sentence is granted.**
- 3. The appellant shall file and serve the notice of appeal within 21 days of this order.**

Reason:

The Court was of the view that the applicant met the requirements for the grant of an extension of time and for leave to appeal against conviction and sentence.

Case Name:

Metrocint General Insurance Company Limited

v

[1] Mercedes Delplesche

[2] Samuel Deroche

[SVGHCVAP2019/0019]

(Saint Vincent and the Grenadines)

Date:

Thursday, 23rd January 2020

On paper:

Applicant:

Mr. Duane A. Daniel (Duane A. Daniel Chambers)

Issue:

**Application for extension of time to file notice of appeal
– Application for relief from sanctions**

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with proof of service of the application for relief from sanctions and for extension of time on the respondents within 14 days of the date of this order.
2. The application for relief from sanctions and for extension of time is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 18th February 2020.

Reason:

The Court noted that there was no evidence of service of the application for relief from sanctions and for an extension of time on the respondents.

Case Name:

Christine Dublin

v

The Queen

[SVGHCRA2019/0021]

(Saint Vincent and the Grenadines)

Date:

Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue:

Application for leave to appeal against conviction and sentence

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to apply for leave to appeal against her conviction and sentence.
2. The applicant is granted leave to appeal against her conviction and sentence.

3. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Reason: The Court was satisfied that the applicant had met the threshold for the grant of leave to appeal.

Case Name: Danile Baptiste
v
The Queen
[SVGHCRA2019/0015]
(Saint Vincent and The Grenadines)

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person
Respondent: Director of Public Prosecutions

Issues: Application for bail pending appeal

Result/Order: IT IS HEREBY ORDERED THAT:
The application for bail pending appeal is dismissed.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Denzil Sam

v
The Queen

[SVGHCRAP2019/0012]
(Saint Vincent and the Grenadines)

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for bail pending appeal

Result/Order: IT IS HEREBY ORDERED THAT:
The application for bail pending appeal is refused.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Allan Wilson

v
The Queen
[SVGHCRAP2019/0004]

(Saint Vincent and The Grenadines)

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for bail pending appeal

Result/Order: IT IS HEREBY ORDERED THAT:
The application for bail pending appeal is dismissed.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Terrence Smith
v
The Queen
[SVGHCRA2019/0006]
(Saint Vincent and The Grenadines)

Date: Thursday, 23rd January 2020

On paper:

Applicant: Ms. Cate Barbour

Respondents: Mr. Brian Lacy

Issue: Application for bail pending appeal

Result/Order: IT IS HEREBY ORDERED THAT:
The application by way of letter for bail pending appeal is refused.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: C.O. Williams Construction Limited
v
[1] Carenage Bay Holdings Limited
[2] CCA Limited

[SVGHCVAP2019/0021]
(Saint Vincent and The Grenadines)

Date: Tuesday, 21st January 2020

On paper:
Applicant: Ms. Suzanne A. Commissiong (S.E. Commissiong & Co. Law Firm)

Issue: Application for leave to appeal

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with a copy of the judgment of Master Rickie Burnett dated 7th November 2019 within 14 days of the date of this order.
2. The application for leave to appeal is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 18th February 2020.

Reason: The judgment against which leave to appeal was being sought was not attached to the application.

Case Name: Lennox Grant
v

Sacha Thomas-Robinson

**[SVGMCVAP2019/0007]
(Saint Vincent and The Grenadines)**

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time within which to seek leave to appeal stands dismissed.
2. The application is removed from the Court's list.

Reason: The applicant failed to comply with the unless order of the Court dated 19th November 2019.

Case Name: Travis Williams
v
The Queen

**[SVGHCRAP2019/0028]
(Saint Vincent and The Grenadines)**

Date: Thursday, 23rd January 2020

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall provide this

Court with proof of service of the application for leave to appeal on the Director of Public Prosecutions within 14 days of the date of this order.

- 2. The Registrar of the High Court shall provide this Court with a copy of the minute of conviction and sentence of the applicant within 14 days of the date of this order.**
- 3. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence on the applicant and the Director of Public Prosecutions and provide this Court with proof of service of the same within 14 days of the date of this order.**
- 4. The application for leave to appeal against sentence is adjourned for further consideration to the next Chamber Hearing scheduled for 18th February 2020.**

Reason:

The Court noted that there was no proof of service of the application for leave to appeal against sentence on the Director of Public Prosecutions. The Court also noted that the minute of conviction and sentence was not attached to the application.

Case Name:

**The Attorney General of the Virgin Islands
v
The Secretary of State for Foreign and
Commonwealth Affairs of the United Kingdom of
Great Britain and Northern Ireland**

**[BVIHCVAP2019/0008]
(Territory of the Virgin Islands)**

Date:

Tuesday, 21st January 2020

On paper:

Applicant:

**Professor Dan Sarooshi QC and Gerard St. C. Farara QC
(Withers BVI)**

Issue: Application for extension of time to file written submissions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to file written submissions until Friday, 13th December 2019 at 4pm.
2. The written submissions in support of the appeal filed on 13th December 2019 are deemed properly filed.

Reason: The Court was satisfied that the applicant had met the requirements for the grant of an extension of time within which to appeal.

Case Name:

[1] Sylvia Maduro-Dale
[2] Lucia Chalwell
v
The Registrar of Lands

[BVIHCVAP2010/0022]
(Territory of the Virgin Islands)

Date: Tuesday, 21st January 2020

On paper:

Applicant: Mrs. Patricia Archibald-Bowers (J S Archibald & Co)

Issue: Application to be removed from the record as legal practitioner

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application by J.S. Archibald & Co to be removed from the record as legal practitioners for the appellants is granted.
2. The applicant shall cause a copy of this order to

be served on the respondent.

Reason: The Court was of the view that the applicant satisfied the requirements in rule 63.6(2) and (3) of the Civil Procedure Rules 2000.

Case Name: The Queen
v
Lennox Da Silva also known 'Ocho'
[BVIHCRAP2019/0003]
(Territory of the Virgin Islands)

Date: Thursday, 23rd January 2020

On paper:
Applicant: Director of Public Prosecutions

Issue: Application for leave to appeal against sentence imposed

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal against the sentence imposed on the respondent by Justice Ann Marie Smith on 12th July 2019.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Reason: The Court was satisfied that the applicant met the threshold for leave to be granted.

Case Name: Zhongrong International Trust Co. Ltd
Appellant/Respondent

and

- [1] Great Health Investments Limited
- [2] Hong Kong Internet Connection Co. Limited
- [3] Rich Alliance Capital Resources Limited
- [4] Long Sincere Investments Limited
- [5] Shanghai Anyin Investments Limited
- [6] Billsun Investment Limited
- [7] Shanghai Xiangpin Investments Limited
- [8] Billwin Investment Limited
- [9] Shanghai Anxu Investments Limited
- [10] Shandong Tianye Real Estate Development Group Co. Ltd

Respondents/Applicants

[BVIHCMAP2019/0025]
(Territory of the Virgin Islands)

Date: Tuesday, 21st January 2020

On paper:

Applicants/Respondent: Ray Ng (Ogier BVI)

Respondent: Harney Westwood & Riegels LLP

Issue: Application for extension of time to file notice of opposition

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The respondents are granted an extension of time until 2nd January 2020 within which to file their notice of opposition, respondent's counter-notice and written submissions in response to the notice of appeal.
2. The respondents' notice of opposition, written submissions in opposition to the appeal and counter-notice of appeal filed on 2nd January 2020 are deemed properly filed.
3. Costs of the application to be costs in the appeal.

Reason: The Court was satisfied that the applicant met the

requirements for the grant of an extension of time.