

EASTERN CARIBBEAN SUPREME COURT
CHAMBER HEARING DIGEST

June 2019

MATTERS DEALT WITH ON PAPER

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

Case Name: Alston Gregory Rodney
v
[1] Magistrate Ngaio Emmauel
[2] The Commissioner of Police

[ANUMCRAP2019/0002]
(Antigua and Barbuda)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Mr. Vere C. Bird III

Respondents: The Director of Public Prosecutions

Issues: Application for extension of time to file notice of appeal and stay of decision

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 within 14 days of the date of this order.
2. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence on the Director of Public Prosecutions within 14 days of the date of this order.
3. The application for extension of time is adjourned for further consideration at the next Chamber Hearing which is scheduled for 23rd July 2019.

Reason: The Court adjourned the application having noted that the minute of conviction and sentence of the applicant was not attached to the application.

Case Name: Dawnlyn Henry aka Dawn Henry
as Executrix of the Estate of Rupert Lewis
v
[1] Steadroy Benjamin
[2] Janice Powell
[ANUHCVP2018/0001]
(Antigua and Barbuda)

Date: Tuesday, 25th June 2019

On paper:

Appellant/ Respondent:	Simon Rogers Murdoch
Respondents/ Applicants:	Mr. Lawrence Daniels

Issue: Application to dismiss appeal for want of prosecution

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set for hearing before the Full Court at the sitting of the court in Antigua and Barbuda during the week commencing 16th September 2019.

Case Name:

Gavin Williams

v

The Queen

[ANUHCRAP2019/0002]

(Antigua and Barbuda)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue:

Application for leave to appeal against conviction and sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall furnish the Court with a copy of the minute of conviction and sentence within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence and a copy of the application for leave to appeal on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.**
- 3. The application for leave to appeal is adjourned for further consideration at the next Chamber Hearing scheduled for 23rd July 2019.**

Reason:

The Court noted that there was no proof of service of the application for leave to appeal on the Director of Public Prosecutions that the minute of conviction and sentence of the applicant had not been provided.

Case Name:

**[1] John Mussington
[2] Jacklyn Frank**

v

**[1] Development Control Authority
[2] The Antigua and Barbuda Airports Authority
[3] The Attorney General**

**[ANUHCVAP2019/0008]
(Antigua and Barbuda)**

Date:

Tuesday, 25th June 2019

On paper:

Applicants: Mr. Leslie Thomas, QC and Ms. Michelle Sterling

**Respondents: Dr. David Dorsett for the first respondent
Mr. Hugh Marshall and Ms. Kema Benjamin for the
second respondent
Ms. Luann De Costa for the third respondent**

Issues:

**Application for leave to appeal — Application for stay of
execution pending appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against the order of Wilkinson J made on 7th March 2019 is granted.**
- 2. The application for a stay of execution of the order of Wilkinson J made on 7th March 2019 pending the determination of the appeal is granted.**
- 3. The applicants shall file the notice of appeal within 21 days of the date of this order and the appeal shall thereafter proceed in accordance with the Civil Procedure Rules 2000.**

Reason:

The Court was satisfied that the applicants met the threshold for the grant of leave to appeal and, based on the principles set out in the authorities such as Hammond Suddard Solicitors v Agrichem International Holdings Ltd, Marguerite Desir v Sabina James Alcide

and C-Mobile Services Limited, that the applicants met the requirements for the grant of a stay of execution.

Case Name:

Gaston Browne

v

Wilmot Daniel

[ANUHCVP2019/0006]

(Antigua and Barbuda)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: Dr. David Dorsett

Respondent: Mr. Charlesworth Tabor

Issue:

Application for stay of proceedings pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant's submissions filed on 16th April 2019 are hereby deemed validly filed.**
- 2. The application for a stay of proceedings in Claim No. ANUHCVP2018/0033 pending the determination of the appeal is granted.**
- 3. The appeal shall proceed in accordance with the Civil Procedure Rules 2000.**

Reason:

The Court was satisfied that the applicant had met the requirements for the grant of a stay of proceedings in the court below.

Case Name:

Leonart Matthias

v

Antigua Commercial Bank

[ANULTAP2017/0002]

(Antigua and Barbuda)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Mr. Justin L. Simon, QC

Respondent: Mrs. Andrea Roberts Nicholas

Issues: Application for adjournment of hearing of appeal —
Application for extension of time to file and serve
submissions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall serve the notice of application for an adjournment of the hearing of the appeal fixed for the sitting of the Court of Appeal in Antigua and Barbuda during the week commencing 16th September 2019 and for an extension of time to file and serve written submissions together with authorities on the respondent within 14 days of the date of this order.
2. The applicant shall provide proof of service of the application within 14 days of the date of this order.
3. The application is adjourned for further consideration at the next chamber hearing scheduled for 23rd July 2019.

Case Name:

Marie-Alice Cuffy

v

Remy Lawrence

[DOMMCVAP2018/0011]

(Commonwealth of Dominica)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Mr. Geoffrey Letang

Respondent: In person

Issue: Application for extension of time to file a memorandum of reasons for appeal in compliance with section 147 of the Magistrate Code of Procedure Act

Result / Order: IT IS HEREBY ORDERED THAT:
The matter shall proceed in accordance with CPR 2000.

Reason: The Court noted that the record of appeal containing the Magistrate's written reasons for decision was filed on 11th April 2019 and that the memorandum of reasons for appeal was filed by the applicant on 3rd May 2019.

Case Name: Khani George
v
St. Luce Jno. Lewis
[DOMMCVAP2019/0004]
(Commonwealth of Dominica)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Issue: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall furnish this Court with a

copy of the order Magistrate Michael Bruney dated 4th May 2018 within 14 days of the date of this order.

2. The applicant shall serve a copy of the notice of application for leave to appeal out of time on the respondent and provide proof of service to the Court within 14 days of the date of this order.
3. The application for leave to appeal out of time is adjourned for further consideration to the next chamber hearing of the Court scheduled for 23rd July 2019.

Reason:

The Court noted that the order for which leave to appeal is being sought was not attached to the application and that there was no proof of service of the application on the respondent.

Case Name:

**Yasim James
v
The Police**

[DOMMCRAP2017/0001]

(Commonwealth of Dominica)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue:

**Application for leave to rely on affidavit evidence —
Application for leave to file additional grounds of appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to rely on affidavit evidence and for leave to file additional grounds is granted.
2. The applicant shall file and serve his notice of appeal containing the additional grounds of appeal within 21 days of the date of this order.

Case Name:

**[1] Michael Fadelle
as President of Dominica Club
[2] Trevor Burton
As 1st Vice-President and Trustee of Dominica
Club
[3] Richard Green
As 2nd Vice-President and Trustee of Dominica
v
[1] Anthony Burnette-Biscombe
as Honorary Secretary and Member of Dominica
Club
[2] Orlando Richards
As Honorary Treasurer and Member of the
Dominica Club
[3] Kieron Pinard-Byrne
[4] Sophie Nassief
[5] Norman Pennycook
[6] Yvor Nassief**

[DOMHCVAP2018/0011]

(Commonwealth of Dominica)

Date: **Tuesday, 25th June 2019**

On paper:

**Appellants/
Applicants:** **Ms. Cara Shillingford**

Respondents: **Ms. Indira St. Jean and Ms. Noelize Knight-Didier**

Issue: Application for stay of execution pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file the judgment of Justice Bernie Stephenson dated 9th November 2018 within 14 days of the date of this order.
2. The application for a stay of execution of the judgment of Justice Bernie Stephenson is adjourned for further consideration to the next chamber hearing of the Court scheduled for 23rd July 2019.

Reason: The Court noted that the order for which a stay of execution is being sought was not attached to the notice of application nor to the notice of appeal.

Case Name: Venescia Francis-Banfield
v
The Watson Group Limited
[GDAHCRAP2016/0024]
(Grenada)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: Ms. Skeeta A. Chitan

Issues: Application for stay of execution pending appeal —
Application for stay of proceedings pending

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall furnish this Court with a copy of the order of Justice Sir Clare Roberts QC dated 12th April 2016 for which a stay of execution is sought within 14 days of the date of this order.
2. The applicant shall serve the respondent with a copy of the notice of application for a stay of execution of the order of Justice Sir Clare Roberts QC dated 12th April 2016 and for a stay of proceedings in the court below within 14 days of the date of this order.
3. The application for a stay of execution of the order of Justice Sir Clare Roberts QC and for a stay of proceedings in the court below is adjourned for further consideration to the next chamber hearing of the Court scheduled for 23rd July 2019.

Reason:

The Court noted that the order for which a stay of execution is sought was not attached to the application and that there was no proof of service of the application on the respondent.

Case Name:

Kenron Thomas

v

The Queen

[GDAHCRAP2019/0006]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: Mr. Jerry Edwin

Respondent: The 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 a copy of the minute of conviction and sentence within 14 days of this order.
2. The Registrar of the High Court shall serve the Director of Public Prosecutions with a copy of the notice of application for leave to appeal against sentence along with the minute of conviction and sentence and provide proof of service within 14 days of the date of this order.
3. The application for leave to appeal against sentence is adjourned for further consideration at the next chamber hearing scheduled for 23rd July 2019.

Reason:

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

Case Name:

Dannel Bonaparte

v

The Queen

[GDAHCRAP2019/0007]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: Ms. Sabrita Khan-Ramdhani

Respondent: The Director of Public Prosecutions

Issue:

Application for leave to appeal sentence

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 within 14 days of this order.

2. The Registrar of the High Court shall serve the Director of Public Prosecutions with a copy of the notice of application for leave to appeal against sentence along with the minute of conviction and sentence and provide proof of service within 14 days of the date of this order.
3. The application for leave to appeal against sentence is adjourned for further consideration at the next chamber hearing scheduled for 23rd July 2019.

Reason:

The Court noted that the minute of conviction and sentence of the applicant was not attached to the application.

Case Name:

Isa Charles

v

The Queen

[GDAHCVAP2019/0005]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: Ms. Sabrita Khan-Ramdhani

Respondent: The 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 a copy of the minute of conviction and sentence within 14 days of this order.
2. The Registrar of the High Court shall serve the Director of Public Prosecutions with a copy of the notice of application for leave to appeal

against sentence along with the minute of conviction and sentence and provide proof of service within 14 days of the date of this order.

3. The application for leave to appeal against sentence is adjourned for further consideration at the next chamber hearing scheduled for 23rd July 2019.

Reason:

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

Case Name:

Clive Connell
v
The Commissioner of Police
[GDAMCRAP2018/0021]
(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: **In person**

Respondent: **The Director of Public Prosecutions**

Issue:

Application for extension of time to file notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve on the respondent an affidavit in support of the application for an extension of time to file a notice of appeal within 21 days of the date of this order.
2. The application for an extension of time is adjourned for further consideration at the next chamber hearing of the Court scheduled for 23rd July 2019.

Reason:

The Court noted that there had been no compliance with previous orders directing that the applicant file an affidavit in support of the application for an extension of time to file a notice of appeal.

Case Name:

Superfund Software Development Incorporated

[GDAHCVAP2019/0005]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant:

Mr. Cajeton Hood

Issues:

Application for extension of time to apply for leave to appeal — Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for an extension of time to appeal and for leave to appeal the order of Justice Raulston Glasgow dated 3rd April 2019 is set down for hearing before the Full Court at the next sitting of the Court of Appeal in Grenada during the week commencing 28th October 2019.

Reason: The Court noted the provisions of section 117 of the International Business Companies Act, Cap. 52 of the Revised Laws of Grenada.

Case Name: Dwayne Francis
v
The Queen
[GDAHCRAP2014/0007]
(Grenada)

Date: Tuesday, 25th June 2019

On paper:

Applicant:	Mr. Jerry Edwin
Respondent:	The Director of Public Prosecutions

Issue: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the written submissions in support of the application for bail filed on 25th February 2019 and provide proof of service within 14 days of the date of this order.
2. The application for bail is set down for hearing before the Full Court at the next sitting of the Court of Appeal in Grenada during the week commencing 28th October 2019.

Reason: The Court noted that there was no evidence of service of the written submissions in support of the application for bail on the Director of Public Prosecutions. The Court also considered the affidavit of the Registrar, which explained the difficulty in obtaining the transcript of proceedings and provided no estimate of the likely time

within which the transcript will become available, in ordering that the application for bail should be heard by the Full Court at the next sitting of the Court of Appeal in Grenada.

Case Name:

Clevroy Harry

v

The Queen

[GDAHCRAP2019/0008]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: Mr. Anselm Clouden

Respondent: The 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 a copy of the minute of conviction and sentence within 14 days of this order.**
- 2. The Registrar of the High Court shall serve the Director of Public Prosecutions with a copy of the notice of application for leave to appeal against sentence along with the minute of conviction and sentence and provide proof of service within 14 days of the date of this order.**
- 3. The application for leave to appeal against sentence is adjourned for further consideration at the next chamber hearing scheduled for 23rd July 2019.**

Reason:

The Court noted that there was no proof of service of the application on the Director of Public Prosecutions and

that the minute of conviction and sentence of the applicant was not attached to the application.

Case Name:

**Peter Peake
v
Tellica Clouden**

[GDAHCVAP2019/0007]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: Seon & Associates

Respondent: G.W. Prime & Co.

Issues:

Application for leave to appeal — Application for stay of proceedings pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the order of Adrien-Roberts J dated 8th May 2019.**
- 2. The applicant shall file a notice of appeal within 21 days of the date of this order.**
- 3. Proceedings in claim No. GDAHCV2010/0348 are stayed pending the determination of the appeal.**

Reason:

The Court noted that the applicant had met the requirements for the grant of leave to appeal and for a stay of proceedings.

Case Name:

Chrispin Ramdeen

v

The Commissioner of Police

[GDAMCRAP2019/0011]

(Grenada)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue:

Case management of 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 within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the minute of conviction and the notice of appeal on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.**
- 3. The matter is adjourned for further consideration at the next Chamber Hearing scheduled for 23rd July 2019.**

Reason:

The Court noted that there was no proof of service of the notice of appeal on the Director of Public Prosecutions and that the minute of conviction and sentence of the appellant had not been provided.

Case Name: **Keston Riley**
v
[1] The Attorney General
[2] Superintendent of Prisons
[MNIHCVAP2019/0003]
(Montserrat)

Date: **Tuesday, 25th June 2019**

On paper:
Applicant: **Mr. Warren Cassell**

Issue: **Application for leave to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted leave to appeal against the order of Morley J dated 4th March 2019.
2. The applicant shall file 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: **St. Augustine Primary School**
v
Evelyn Gibson
[MNILTAP2019/0003]
(Montserrat)

Date: **Tuesday, 25th June 2019**

On paper:
Applicant: **Mr. Jean Kelsick**

Respondent: In person

Issues: Application for leave to file a notice of appeal out of time
— Application for leave to rely on affidavits at the hearing of the appeal by way of fresh evidence

Result / Order: IT IS HEREBY ORDERED AND DIRECTED THAT:

1. The applicant is granted an extension of time to seek leave to appeal the order of the Labour Tribunal delivered on 20th March 2019.
2. The applicant is granted leave to appeal the order of the Labour Tribunal delivered on 20th March 2019.
3. The applicant shall file the notice of appeal within 21 days of the date of this order.
4. The application to adduce fresh evidence should be addressed during the hearing of the substantive appeal.

Reason: The Court was satisfied, based on the principles set out in the authorities such as *Joseph Hyacinth v Allan Joseph*; *John Cecil Rose v Anne Marie Uralis Rose*, that the applicant had met the requirements for the grant of an extension of time and that the applicant had met the threshold for the grant of leave to appeal. The Court was also of the opinion that the application to adduce fresh evidence should be dealt with during the hearing of the substantive appeal.

Case Name: Frank Farrell
v
St. Kitts Urban Development Corporation Limited
[SKBMCVAP2019/0001]
(Saint Christopher and Nevis)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Mr. John Cato

Respondent: Dublin & O'Brien

Issues: Application for permission to appeal — Application for extension of time to complete recognizance

Result / Order: IT IS HEREBY ORDERED THAT:
The application for permission to appeal is set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Kitts and Nevis during the week commencing 11th November 2019.

Reason: The Court was of the opinion that that the prescribed time for appealing against the decision had expired and the application for permission to appeal did not seek an order extending time within which to appeal. The Court was thus minded to refuse leave to appeal under rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name: Shefton Crosse
v
Victor Williams

[SKBHCVAP2019/0014]

(Saint Christopher and Nevis)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Ms. Natasha Grey

Respondent: Mr. Robin C. Herbert-Thompson

Issues: Application for extension of time for leave to apply for appeal — Application for leave to appeal — Application

for stay of proceedings — Application to strike out application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to apply for leave to appeal against the judgment of Lanns J [Ag.] delivered on 24th January 2018 is refused.
2. The application for a stay of proceedings in Claim No. SKBHCV2013/0116 is refused.

Reason:

The Court was of the opinion that the applicant had not satisfied the requirements for the grant of an extension of time within which to appeal.

Case Name:

[1] Gregory Gilpin-Payne
[2] International Investments & Consulting Ltd.
v
[1] Stephen First
[2] Corporate Capital (Asia) Ltd.

[SKBHCVAP2019/0011]

(Saint Christopher and Nevis)

Date:

Tuesday, 25th June 2019

On paper:

Applicants:

The first applicant in person
The second applicant represented by Mr. Paul Bilzerian

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicants are granted leave to appeal the order of Ventose J dated 7th March 2019.
2. The applicants shall file the notice of appeal within

21 days of the date of this order.

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

Case Name: Helen Television System Limited
v
Victoria Alcide
[SLUHCVAP2017/0053]
(Saint Lucia)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Mr. Dexter Theodore, QC
Respondent: Peter I. Foster & Associates

Issues: Application for extension of time — Application for relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to file and serve its written submissions with authorities.
2. The applicant's written submissions filed on 3rd May 2019 are hereby deemed to have been properly filed and served.
3. The application for relief from sanctions is dismissed.

Reason: The Court was satisfied that the applicant had met the threshold for the grant of an extension of time to file and serve written submissions with authorities. The Court

was also of the opinion that, based on Parts 25, 26, 27 and 62 of the Civil Procedure Rules 2000, there is no sanction for failing to file and serve written submissions with authorities within the prescribed time.

Case Name:

**[1] Durand Dorseide
[2] Merlinda Dorseide
v**

West Indies General Insurance Co. Ltd.

[SLUHCVP2016/0029]

(Saint Lucia)

Date:

Tuesday, 25th June 2019

On paper:

Applicants: Ms. Lydia Faisal

Respondent: Mr. Dexter Theodore, QC

Issue:

Application for extension of time to file record of appeal and skeleton arguments

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicants are granted an extension of time to file and serve the record of appeal and skeleton arguments in the appeal.**
- 2. The record of appeal and the skeleton arguments in the appeal both filed on 17th June 2019 are hereby deemed properly filed.**
- 3. The applicants are granted an extension of time to serve the record of appeal and skeleton arguments in the appeal on the respondent within 14 days of the date of this order.**

Reason:

The Court was satisfied that the applicants had met the

threshold for the grant of an extension of time to file and serve the record of appeal and skeleton arguments in the appeal. The Court also noted that there was no objection to the application by the respondent.

Case Name: **Juliet Sutherland**
v
Bank of Saint Lucia Limited
[SLUHCVAP2016/0005]
(Saint Lucia)

Date: **Tuesday, 25th June 2019**

On paper:

Applicant: **Mr. Alfred Alcide**

Respondent: **Mr. Leslie Prospere**

Issues: **Application for extension of time to file record of appeal
— Application for relief from sanctions**

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

- 1. The applicant shall serve the application for an extension of time on the respondent provide proof of service of the application within 14 days of the date of this order.**
- 2. The application for an extension of time is adjourned for further consideration at the next Chamber Hearing which is scheduled for 23rd July 2019.**

Reason: **The Court noted that there was no proof of service of the application for extension of time on the respondent.**

Case Name:

**Randy Shallow
v
Commissioner of Police**

[SVGMCRAP2018/0035]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue:

Application to add additional grounds of 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 within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.**
- 3. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 23rd July 2019.**

Reason:

The Court noted that the minute of conviction and sentence was not attached to the application.

Case Name: **Ronaldo Richards**
v
The Commissioner of Police
[SVGMCRAP2019/0031]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 25th June 2019**

On paper:

Applicant: **In person**

Respondent: **The Director of Public Prosecutions**

Issue: **Application for extension of time to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted an extension of time to appeal against the decision of Magistrate Rickie Burnett dated 29th October 2018.
2. 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 threshold for the grant of an extension of time within which to appeal.**

Case Name: **Devon Francois**
v
The Commissioner of Police
[SVGMCRAP2019/0023]
(Saint Vincent and the Grenadines)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for extension to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file evidence, by way of letter or otherwise, as to the reasons for his delay in filing an appeal, and his proposed grounds of appeal, within 21 days of the date of this Order.
2. The application for an extension of time within which to appeal is adjourned to the chamber hearing of the Court scheduled for the 23rd day of July 2019.

Reason:

The Court noted that the applicant had not complied with the order of the Court directing him to file evidence, by way of letter or otherwise, as to the reasons for his delay in filing an appeal and his proposed grounds of appeal.

Case Name:

**Kimron Thomas
v
The Commissioner of Police**

[SVGMCRAP2019/0028]

(Saint Vincent and the Grenadines)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time 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 appeal against his conviction and sentence.
2. The applicant is to file the notice of appeal within 14 days of the date of this order.

Reason: The Court was satisfied that the applicant has met the threshold for the grant of an extension of time within which to appeal against conviction and sentence.

Case Name: Kentish Campbell
v
The Queen

[SVGHCRA2008/0014]

(Saint Vincent and the Grenadines)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for consideration of time spend on remand

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint

Vincent and the Grenadines during the week commencing 14th October 2019.

Reason: The Court was of the view that there was no sufficient information before the Court as to whether the applicant pleaded guilty at trial and whether the applicant's time spent on remand was taken into account in his sentence

Case Name: Vincent Dember
v
The Queen

[SVGHCRA2018/0022]

(Saint Vincent and the Grenadines)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for bail pending appeal

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

Reason: The Court was satisfied that the applicant had not met the requirements for the grant of bail pending the determination of the appeal, there being no exceptional circumstances as stated in *The State v Lynette Scantlebury* (1976) 27 WIR 103.

Case Name:

Therdio Mckie

v

The Queen

[SVGHCRAP2018/0007]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue:

Application for a retrial

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application by way of letter for a retrial shall be treated as an application for leave to appeal against conviction.**
- 2. The Registrar of the High Court shall provide proof of service of the application on the Director of Public Prosecutions within 14 days of the date of this order.**
- 3. The application is adjourned for further consideration at the next Chamber Hearing which is scheduled for 23rd July 2019.**

Reason:

The Court noted that there was no proof of service of the application on the Director of Public Prosecutions.

Case Name:

Glenford Jacobs

v

The Queen

[SVGHCRAP2016/0002]

(Saint Vincent and the Grenadines)

Date: Tuesday, 25th June 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application to add additional grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application by way of letter to add the additional grounds of appeal contained therein is granted.

Case Name: Kevin Gerald Stanford
v
[1] Stephen John Akers
[2] Mark McDonald
(as Joint Liquidators of Chesterfield United Inc.
(In Liquidation))

[BVIHCMAP2017/0019]

(Territory of the Virgin Islands)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Walkers

Respondents: Mr. Ben Mays (Carey Olsen)

Issue: Application for solicitor be removed from record

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for Walkers BVI to be removed from the record as acting as legal practitioners for

- Kevin Gerald Stanford is granted.
2. The evidence filed in support of the application is hereby sealed.

Case Name:

Jhaveri Darsan Jitendra

Claimant/
Intended Respondent

and

**[1] Lakshmi Anil Salgaocar
(As Administratrix of the Estate of Anil
Vassudeva Salgaocar, deceased)**

[2] Million Dragon Wealth Limited

Defendants/
Intended Appellants

**(On appeal from Claim No BVIHC(Com) 83 of
2017)**

BETWEEN:

[1] Jhaveri Darsan Jitendra

[2] PD Holdings Limited

Claimants/
Intended Respondents

and

**[1] Lakshmi Anil Salgaocar
(As Administratrix of the Estate of Anil
Vassudeva Salgaocar, deceased)**

[2] Winter Meadow Capital Inc.

Defendants/
Intended Appellants

[BVIHCMAP2019/0012]

(Territory of the Virgin Islands)

Date: Tuesday, 25th June 2019

On paper:

**Applicants/
Intended
Appellants:** Mr. Matthew Brown (Conyers, Dill & Pearman)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is set down for hearing before the Full Court at the next sitting of the Court of Appeal in the Territory of the Virgin Islands during the week commencing 15th July 2019.

Reason: The Court was minded to refuse leave to appeal under rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name: [1] Julian Willock
[2] The Speaker of the House
v
[1] Mark Vanterpool
[2] The Attorney General

[BVIHCVAP2019/0002]

(Territory of the Virgin Islands)

Date: Tuesday, 25th June 2019

On paper:

Applicants: Veritas Law
Respondents: The Attorney General

Issues: Application for stay of execution of judgment pending appeal — Application for urgent hearing of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set for hearing before the Full Court at the sitting of the Court of Appeal in the Territory of the Virgin Islands during the week commencing 15th July 2019.

Case Name: Convoy Collateral Limited
v
[1] Broad Idea International Limited
[2] Cho Kwai Chee
(also known as Cho Kwai Chee Roy)

[BVIHCMAP2019/0014]

(Territory of the Virgin Islands)

Date: Tuesday, 25th June 2019

On paper:

Applicant: Mr. Jonathan Addo

Respondents: Mr. Fraser Mitchell for the second respondent

Issue: Application for stay pending determination of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The applicant is granted a stay of execution of paragraphs 1,2 and 4 of the order of Adderley J [Ag.] dated 2nd May 2019 pending the determination of the appeal.

Reason: The Court was satisfied, based on the principles set out in the authorities such as Hammond Suddard Solicitors v Agrichem International Holdings Ltd, Marguerite Desir

v Sabina James Alcide and C-Mobile Services Limited,
that the applicant has met the requirements for the grant
of a stay of execution of paragraphs 1, 2 and 4 of the
order of Adderley J [Ag.] dated 2nd May 2019 pending the
determination of the appeal.

Case Name: **Emmerson International Corporation**
v
Renova Industries Ltd.
[BVIHCMAP2019/0017]
(Territory of the Virgin Islands)

Date: **Tuesday, 25th June 2019**

On paper: **Applicant:** **Ms. Coleen Farrington**

Issue: **Application for leave to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted leave to appeal against
the order of Jack J [Ag.] dated 9th May 2019.
2. The applicant shall file the notice of appeal within
21 days of the date of this order.

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

Case Name: **[1] SPA II Guangdong Ltd.**
[2] SPA II-A Guangdong Ltd.

v

**[1] Favour Sharp Enterprises Limited
[2] Decent Management Limited**

[BVIHCMAP2019/0007]

(Territory of the Virgin Islands)

Date: **Tuesday, 25th June 2019**

On paper:

**Appellants/
Respondents:** **Mr. Andrew Willins**

**Respondents/
Applicants:** **Mr. Peter Ferrer**

Issues: **Application for stay of appeal — Application for extension of time to file submissions**

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for a stay of the appeal and for an extension of time is set down for hearing before the Full Court at the next sitting of the Court of Appeal in the Territory of the Virgin Islands during the week commencing 15th July 2019 on a date to be determined by the Chief Registrar in consultation with counsel for both parties.

Case Name:

**The Queen
v
Matthew Hazel**

[BVIHCRA2017/0003]

(Territory of the Virgin Islands)

Date: **Tuesday, 25th June 2019**

On paper:

Applicant: **In person**

Respondent: The Director of Public Prosecutions

Issue: Case management of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Director of Public Prosecutions is directed to cause a copy of the notice of appeal to be served on the respondent within 10 days of the date of this order and furnish this Court with proof of service.
2. The appeal shall be listed for case management by the Chief Registrar within 14 days of the date of this order, at a date and time to be determined by the Chief Registrar in consultation with counsel.

Reason: The Court noted that there was no proof of service of the notice of appeal on the respondent.

Case Name: [1] Sancus Financial Holdings Limited
[2] Carson Wen
[3] Julia Yuet Shan Fung

v
[1] Chad Holm
[2] FH Investment (BVI) Limited

[BVIHCMAP2019/0019]

(Territory of the Virgin Islands)

Date: Tuesday, 25th June 2019

On paper:

Applicants: Appleby

Respondents: Walkers

Issues: Application for stay pending appeal — Application for leave to appeal — Application for expedited hearing of

appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellants are granted a stay of execution of the orders of Adderley J [Ag.] dated 24th May 2019 and 31st May 2019 pending the determination of the appeal filed on 12th June 2019.
2. The application for an expedited hearing of the appeal is granted given the urgency and importance of the matter.
3. The hearing of the appeal is to be set down for hearing before the Full Court at a date and time to be determined by the Chief Registrar in consultation with counsel for the parties.

Reason:

The Court was satisfied that based on the principles set out in the authorities such as *Hammond Suddard Solicitors v Agrichem International Holdings Ltd*, *Marguerite Desir v Sabina James Alcide* and *C-Mobile Services Limited*, that the applicant has satisfied the requirements for the grant of a stay of execution of the orders of Adderley J [Ag.] dated 24th May 2019 and 31st May 2019. The Court was also of the opinion that leave to appeal is not required since the orders for disclosure made by Adderley J [Ag.] on 24th May 2019 and 31st May 2019 were made within the context of an application for an injunction, and that the hearing of the matter is of great urgency.