

CHAMBER HEARING DIGEST

October 2019

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: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issue: Extension of time within which to appeal, legal aid and transcript be provided free of charge

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 copies thereof on the office of the Director of Public Prosecutions and provide proof of service within 14 days of this order.
2. The application for legal aid and transcript to be provided for free is Adjourned for further consideration at the next Chamber Hearing scheduled for 19th November 2019.
3. The application for an extension of time within

which to appeal is adjourned to the next chamber sitting of the Court scheduled for 19th November 2019.

Reason: The Court noted there is no evidence of service of the notice of application.

Case Name: Antigua and Barbuda Fishermen Co-Operative Society

v

[1] Phillip Athanaze
[2] Garry Gore
[3] Collin Francis
[4] John Browne
[5] John Tomlinson

[ANUHCVP2019/0018]
(Antigua and Barbuda)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: Sir Gerald A. Watt, QC

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for leave to appeal the order of Wilkinson J dated 23rd July 2019 is adjourned for further consideration at the Full Court Sitting in Antigua and Barbuda during the week commencing 13th January 2020.

Reasons: The Court was of the view that the applicant has not met the threshold requirements for the grant of leave to appeal.

Case Name: Massimo Alemagna (by his Attorney Alessandra Alemagna)
v
[1] Mcallister Abbott
[2] Eugene Abbott
[3] Michael Pigott
[ANUHCVP2018/0031]
(Antigua and Barbuda)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Jacqueline Walwyn

Respondent: Mr. Kendrickson Kentish

Issues: Application for notice of appeal to be struck out

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application to strike out the notice of appeal is granted and accordingly the notice of appeal filed on 21st September 2018 without leave of this Court, is struck out as being a nullity.

2. Cost is awarded to the applicant in the sum of \$5000 Eastern Caribbean Dollars.

Case Name: Antigua Flight Training Centre
v
Eastern Caribbean Civil Aviation Authority

[ANUHCVP2014/0021]
(Antigua and Barbuda)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Grace Norman

Respondent: Dr. David Dorsett

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for leave to appeal the order of Henry J dated 4th June 2014 is adjourned for further consideration at the Full Court Sitting in Antigua and Barbuda during the week commencing 13th January 2020.

Case Name: Ian Hughes
v
The Queen

[ANUHCVP2018/0003]
(Antigua and Barbuda)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Tana'ania Small Davis

Issues: Bail pending appeal – Variation of bail

Result / Order: IT IS HEREBY ORDERED THAT:

The application for a variation of bail pending appeal is hereby denied.

Case Name: Neil Laurent
v
The Queen

[DOMHCRAP2019/0002]
(Commonwealth of Dominica)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issue: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide 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 notice of appeal and minute of conviction and sentence on the Director of public Prosecutions, along with a copy of this Order within 14 days of the date of this Order.
3. The Registrar of the High Court shall provide proof of service within 21 days of the date of this Order.
4. The application is adjourned for further consideration at the next Chamber Hearing schedule to be held on 19th November 2019.

Case Name:

**Khani George
v
St. Luce Jno Lewis**

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

Date:

Thursday, 22nd October 2019

On paper:

Applicant: In person

Issue:

Leave to appeal

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 on the Chief Magistrate and the applicant, a copy of this Order.**
- 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 19th November 2019.**

Case Name: Sungeneral Insurance Company Limited
v
Nathan Lewis

[GDAHCVAP2019/0019]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Lisa Taylor

Issue: Stay of execution and all further proceedings until the determination of the appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The execution of the order of Master C. Debra Burnette dated 4th July 2019 is stayed pending the determination of the appeal.

Case Name: Gabriel Pestana
v
The Queen

[GDAHCRAP2019]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: In person

Issue: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide 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 notice of appeal and minute of conviction and sentence on the Director of Public Prosecutions, along with a copy of this Order within 14 days of the date of this Order.
3. The Registrar of the High Court shall provide proof of service within 21 days of this Order.
4. The application for leave to appeal sentence is adjourned to the next Chamber Hearing scheduled for 19th November 2019.

Reason:

Court noted that there is no minute of conviction and sentence filed with the application.

Case Name:

Rodney Cornwall

v

The Queen

[GDAHCRAP2019/0021]

(Grenada)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant:

In person

Issue:

Leave to appeal sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the court with a copy of the minute of conviction and sentence and serve a copy of the same on the

office of the Director of Public Prosecutions along with a copy of this order within 14 days of the date of this Order.

2. The Registrar of the High Court shall provide proof of service within 21 days of this Order.
3. The application for leave to appeal sentence is adjourned to the next Chamber Hearing scheduled for 19th November 2019.

Reason: Court noted that there is no minute of conviction and sentence filed with the application.

Case Name: Kevon Bascombe
v
The Queen
[GDAHCRAP2019/0020]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issues: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the court with a copy of the minute of conviction and sentence and serve a copy of the same on the office of the Director of Public Prosecutions along with a copy of this order within 14 days of the date of this Order.
2. The Registrar of the High Court shall provide proof of service within 21 days of this Order.
3. The application for leave to appeal sentence is adjourned to the next Chamber Hearing scheduled

for 19th November 2019.

Reason: Court noted that there is no minute of conviction and sentence filed with the application.

Case Name: Garfield Clement
v
The Queen
[GDAHCRAP2019/0017]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issue: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the court with a copy of the minute of conviction and sentence and serve a copy of the same on the office of the Director of Public Prosecutions along with a copy of this order within 14 days of the date of this Order.
2. The Registrar of the High Court shall provide proof of service within 21 days of this Order.
3. The application for leave to appeal sentence is adjourned to the next Chamber Hearing scheduled for 19th November 2019.

Reason: Court noted that there is no minute of conviction and sentence filed with the application.

Case Name: Keron Belgrave
v

The Queen

**[GDAHCRAP2019/0016]
(Grenada)**

Date: **Tuesday, 22nd October 2019**

On paper:
Applicant: **In person**

Issue: **Leave to appeal sentence**

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

- 1. The Registrar of the High Court shall provide the court with a copy of the minute of conviction and sentence and serve a copy of the same on the office of the Director of Public Prosecutions along with a copy of this order within 14 days of the date of this Order.**
- 2. The Registrar of the High Court shall provide proof of service within 21 days of this Order.**
- 3. The application for leave to appeal sentence is adjourned to the next Chamber Hearing scheduled for 19th November 2019.**

Reason: **Court noted that there is no minute of conviction and sentence filed with the application.**

Case Name: **Cariacou Development Corporation**
v
1. Margaret Corion
2. Nellie Adams

**[GDAHCVAP2018/0014]
(Grenada)**

Date: **Tuesday, 22nd October 2019**

On paper:

Applicant: Ms. Sheriba Lewis

Respondents: Mr. Rohan A. Phillip

Issue: Extension of time to file and serve skeleton arguments

Result / Order: IT IS HEREBY ORDERED THAT:

An extension of time is granted to the applicants to 16th August 2019 and the skeleton arguments filed and served on 16th August 2019 is to be deemed properly filed and served.

Case Name:

Edwin Chiddick
v
The Queen

[GDAHCRAP2019/0012]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: In person

Issues: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against sentence is granted and the applicant's notice of application for leave to appeal shall be treated as the applicant's notice of appeal.
2. The appeal shall proceed in accordance with the rules.

Case Name:

Isaac Joseph (Demise Charterer of M/V "Isabella" B)

v
Matthew Blair

[GDAHCVAP2019/0009]
(Grenada)

Date: **Thursday, 22nd October 2019**

On paper:
Applicant: **Mr. Henry C. Paryag**

Issue: **Leave to appeal**

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

- 1. The applicant is granted leave to appeal the decision of Smith J dated 3rd June 2019.**
- 2. The applicant shall file 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.**

Case Name: **Toobooi Timothy Williams**
v
The Queen

[GDAHCRAP2019/0027]
(Grenada)

Date: **Tuesday, 22nd October 2019**

On paper:
Applicant: **In person**

Issue: **Leave to appeal against 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 and serve a copy of the same on the office of the Director of Public Prosecutions, along with a copy of this Order within 14 days of the date of this Order.
2. The Registrar of the High Court shall provide proof of service within 21 days of the date of this Order.
3. The notice of application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Hearing scheduled for 19th November 2019.

Reasons:

Court noted that there is no minute of conviction and sentence filed with the application.

Case Name:

Toobooi Timothy Williams

v

The Queen

[GDAHCRAP2019/0026]

(Grenada)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant:

In person

Issues:

Leave to appeal against 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 and serve a copy of the same on the office of the Director of Public Prosecutions, along

with a copy of this Order within 14 days of the date of this Order.

2. The Registrar of the High Court shall provide proof of service within 21 days of the date of this Order.
3. The notice of application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Hearing scheduled for 19th November 2019.

Reason: Court noted that there is no minute of conviction and sentence filed with the application.

Case Name: Toobooi Timothy Williams
v
The Queen
[GDAHCRAP2019/0024]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issue: Leave to appeal against 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 and serve a copy of the same on the office of the Director of Public Prosecutions, along with a copy of this Order within 14 days of the date of this Order.
2. The Registrar of the High Court shall provide proof

of service within 21 days of the date of this Order.

3. The notice of application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Hearing scheduled for 19th November 2019.

Reason: Court noted that there is no minute of conviction and sentence filed with the application

Case Name: Toobooi Timothy Williams
v
The Queen
[GDAHCRAP2019/0025]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issues: Leave to appeal against 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 and serve a copy of the same on the office of the Director of Public Prosecutions, along with a copy of this Order within 14 days of the date of this Order.
2. The Registrar of the High Court shall provide proof of service within 21 days of the date of this Order.
3. The notice of application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Hearing

scheduled for 19th November 2019.

Reasons: Court noted that there is no minute of conviction and sentence filed with the application

Case Name: Daren Maitlan
v
The Queen
[GDAHCRAP2019/0023]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issue: Leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall furnish this Court with a copy of the minute conviction and sentence of the applicant 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 applicant and 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 against sentence is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.

Case Name: Arturo Plutin Roderiguez
v
The Queen
[GDAHCRAP2019/0015]
(Grenada)

Date: Tuesday, 22nd October 2019

On paper: Applicant: Mr. Ruggles Ferguson

Issue: Leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the notice of application for leave to appeal against sentence 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 furnish 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 proof of service within 14 days of the date of this Order.
4. The application for leave to appeal against sentence is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.

Case Name: Bertrand Burke
v
Mildred Kirwan
Highlamder Properties Ltd
[MNIHCVAP2019/0007]
(Montserrat)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Mr. Hogarth Sergeant

Respondents: Mr. Warren M. Cassell

Issue: Setting aside application

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall furnish this Court with a copy of the order of Morley J dated 25th March 2019 within 14 days of the date of this order.
2. The application to set aside the order of Morley J is adjourned to the next Chamber Hearing of this Court scheduled for 19th November 2019.

Reasons: The order which the application seeks to set aside is not attached to the notice of application.

Case Name:

Glenworth Prince
v
Director of Public Prosecutions

[MNIMCRAP2019/0004]
(Montserrat)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: In person

Issue: Leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:

The appeal shall proceed on the basis of the notice of

appeal filed on 31st July 2019.

Case Name:

**David Brandt
v
Regina**

**[MNIHCRAP2019/0001]
(Montserrat)**

Date:

Tuesday, 22nd October 2019

On paper:

Applicant: Dr. David Dorsett

Respondent: Ms. Anesta Weekes, QC

Issue:

Bail – Interim relief

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for the appellant's bail to be considered afresh by another judge of the High Court is refused.**
- 2. Evans J [Ag.] is restrained from presiding over the criminal trial of the appellant in Regina v David Brandt MNIHCR2019/0008, pending the hearing and determination of the appeal against the learned judge's refusal to recuse himself from the trial.**
- 3. The matter shall be set down for case management on a date to be determined by the Chief Registrar, for directions to be given with a view to having the appeal in relation to the refusal of the learned judge Evans J [Ag.] to recuse**

himself, scheduled on an expedited basis.

Reason: Laws of Montserrat does not permit an appeal in relation the revocation of bail by a judge of the High Court during a criminal trial.

Case Name: [1] Gregory Gilpin Payne
[2] International Investments & Consulting Ltd
v
[1] Stephen First
[2] Corporate Capital (Asia) Ltd
[SKBHCVAP2019/0028]
(Saint Christopher and Nevis)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issues: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicants shall furnish this Court with a copy of the order of Ventose J dated 25th July 2019 within 14 days of the date of this order.
2. The application for leave to appeal is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.

Reason: The application was not accompanied with a copy of the order of Ventose J being appealed.

Case Name:

**Adam Bilzerian
v
[1] Zachary Getz
[2] St. Christopher Club Condominiums
[3] St. Christopher Club Condominiums Homeowners
Association**

**[SKBHCVAP2019/0029]
(Saint Christopher and Nevis)**

Date:

Tuesday, 22nd October 2019

On paper:

Applicant

In person

Issue:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall furnish this Court with a copy of the order of Ventose J dated 25th July 2019 within 14 days of the date of this order.**
- 2. The application for leave to appeal is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.**

Reason:

The application was not accompanied with a copy of the order of Ventose J being appealed.

Case Name:

**Adam Bilzerian
v
Kevin Horstwood**

**[SKBHCVAP2019/0030]
(Saint Christopher and Nevis)**

Date:

Tuesday, 22nd October 2019

On paper:

Applicant:

In person

Issue:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall furnish this Court with a copy of the order of Ventose J dated 25th July 2019 within 14 days of the date of this order.**
- 2. The application for leave to appeal is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.**

Reason:

The application was not accompanied with a copy of the order of Ventose J being appealed.

Case Name:

**[1] Keyapaja Internation Ltd.
[2] Dan Bilzerian
v
[1] Laura Getz
[2] Robert Getz
[3] Victor Doche
[4] Vistas Infinitas International LLC

[SKBHCVAP2019/0031]
(Saint Christopher and Nevis)**

Date:

Tuesday, 22nd October 2019

On paper:

Applicant:

Paul Bilzerian, Director of Keyapaha International Ltd & Dan Bilzerian, In person

Issue:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1.The applicant shall furnish this Court with a copy of the order of Ventose J dated 25th July 2019 within 14 days of the date of this order.

2.The application for leave to appeal is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019

Reason:

The application was not accompanied with a copy of the order of Ventose J being appealed.

Case Name:

**[1] Adam Bilzerian
[2] Lemon Grove Company Limited
[3] Caribbean Building Systems (St. Kitts) Ltd
v**

**[1] Terence V. Byron
[2] Byron & Bryon
[3] Kevin Horstwood**

**[SKBHCVAP2019/0032]
(Saint Christopher and Nevis)**

Date:

Tuesday, 22nd October 2019

On paper:

Applicant: Mr. Adam Bilzerian, In person

Issues:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1.The applicant shall furnish this Court with a copy of the order of Ventose J dated 25th July 2019 within 14 days of the date of this order.

2.The application for leave to appeal is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.

Reason: The application was not accompanied with a copy of the order of Ventose J being appealed.

Case Name: Adam Bilzerian
v

[1] Gerald Lou Weiner
[2] Kathleen Weiner

[SKBHCVAP2019/0040]
(Saint Christopher and Nevis)

Date: Tuesday, 22nd October 2019

On paper:
Applicant: Mr. Adam Bilzerian, In person

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1.The applicant shall furnish this Court with a copy of the order of Ventose J dated 25th July 2019 within 14 days of the date of this order.
2.The application for leave to appeal is adjourned to the next chamber hearing of this Court scheduled for 19th November 2019.

Reason: The application was not accompanied with a copy of the order of Ventose J being appealed.

Case Name:

Anne Hendricks Bass
v
[1] Director of Physical Planning
[2] Development Advisory Committee
[3] Caribbean Development Consultant Limited
Respondents
Intervening Party

[SKBHCVAP2018/0002]
(Saint Christopher and Nevis)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Taibah Byron

Issue:

Legal practitioner to be removed from the record

Result / Order:

IT IS HEREBY ORDERED THAT:

The application filed on 26th July 2019 for Talibah Byron to be removed from the record as legal practitioner for the intervening party is granted.

Case Name:

Kevin Andrew Horstwood
v
[1] The Attorney General of St. Christopher and Nevis
[2] Inspector Charles Smithen
[3] Constable Greg Glasgow
[4] Corporal Fitzroy Morton
[5] Inspector Vaughn Henderson
[6] Franklin Dorset
[7] Constable Green
[8] Inspector Rodgers
[9] Lyle Rawlins
[10] Royal St. Christopher and Nevis Police Force
[11] Constable Chelroy Cesar

**[SKBHCVAP2019/0037]
(Saint Christopher and Nevis)**

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Mr. Kevin Andrew Horstwood

Respondent: Mr. D. Victor C. Elliott-Hamilton

Issues: Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal is adjourned for consideration by the Full Court during the sitting of the Court in Saint Kitts and Nevis during the week which commences on 11th November 2019.
2. The applicant shall file and serve a copy of this order on the respondents within 14 days of the date of this order.

Case Name:

Dwight Cozier

v

[1] Mark Brantley

[2] Gawain Fraites

**[SKBHCVAP2019/0025]
(Saint Christopher and Nevis)**

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Cozier and Associates

Respondent: Ms. Dia C. Forrester & Ms. Michelle Jan S. Slack

Issue: Stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for a stay of proceedings pending the determination of this appeal is refused.

Reasons:

The Court being of the opinion that the applicants did not meet the requirements set out in *C-Mobile Services Limited v Huawei Technologies Co. Ltd* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported).

Case Name:

Robert Joseph
v
Corporal 253 Joseph
[SLUMCRAP2019/0003]
(Saint Lucia)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Natalie Da Breo.

Issues:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The notice of appeal filed on 13th August 2019 against sentence is deemed properly filed.

Reason:

The Court is of the view that leave to appeal sentence from the District Court is not required by virtue of section 724 of the Criminal Code of Saint Lucia and section 25 of the Eastern Caribbean Supreme Court (Saint Lucia) Act.

Case Name:

Justina Samuel
v
Bank of Saint Lucia Limited

**[SLUHCVAP2019/0022]
(Saint Lucia)**

Date: Tuesday, 22nd October 2019

On paper:
Applicant: Leevie Herelle & Associates

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall provide this Court with a copy of the decision of St. Rose-Albertini J dated 2nd August 2019 and reissued on 16th August 2019.

2. The application for leave to appeal the decision of St. Rose-Albertini J dated 2nd August 2019 and reissued on 16th August 2019 is adjourned for further consideration to the next chamber sitting of the court scheduled for 19th November 2019.

Case Name: Burnie Preville
v
Roman Catholic Church

**[SLUHCRAP2019/0001]
(Saint Lucia)**

Date: Tuesday, 22nd October 2019

On paper:
Applicant: In person

Issue: Leave to appeal 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 its notice of appeal within 21 days from the date of this order.

Case Name: Jan Isidore
v
The Queen
[SLUHCRA2016/0007]
(Saint Lucia)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Mr. Alberton Richelieu

Issue: Assignment of Counsel – Request for transcript – Cost of Transcript

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant/appellant is granted leave to file a supplemental affidavit outlining his impecuniosity or cause a relative to so depose, within 14 days of the date of this order.
2. The application is adjourned for further consideration to the next chamber sitting of the court scheduled for 19th November 2019.

Case Name: Darlington Noel
v
The Queen

**[SLUHCRAP2016/0008]
(Saint Lucia)**

Date: Tuesday, 22nd October 2019

On paper:
Applicant: Mr. Alberton Richelieu

Issue: Assignment of Counsel – Request for transcript – Cost of Transcript

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant/appellant is granted leave to file a supplemental affidavit outlining his impecuniosity or cause a relative to so depose, within 14 days of the date of this order.
2. The application is adjourned for further consideration to the next chamber sitting of the court scheduled for 19th November 2019.

Case Name: Lazarus Paul
v
[1] Raquel Willie-Trotman
[2] Douglas Trotman
[3] Teferi Trotman (minor acting herein and represented by his mother Raquel Willie-Trotman)

**[SLUHCVAP2017/0049]
(Saint Lucia)**

Date: Tuesday, 22nd October 2019

On paper:
Applicant: Mr. Gerard R. Williams
Respondent: Mrs. Wauneen Louis-Harris

Issue: Application for appeal to be dismissed – Extension of time to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application to dismiss the notice of appeal by the applicants/respondents filed on 24th June 2019 is hereby refused.
2. The notice of appeal filed on 18th June 2018 is hereby deemed properly filed and served.
3. Costs in the sum of \$500 shall be paid to the applicants/respondents within 14 days of this order

Case Name: Dr. Shaelle Durand
v
St. Jude Hospital
[SVGHCRAP2018/0015]
(Saint Lucia)

Date: Tuesday, 22nd October 2019

On paper: Applicant: Ms. Lydia B. Faisal

Issues: Extension of time to file and serve notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file the notice of appeal is granted.
2. The notice of appeal filed on 10th July 2019 is hereby deemed properly filed and served.

Reason: The Court noted that the applicant has met the threshold for an extension of time.

Case Name: **Bank of Saint Lucia**
Petitioner/Respondent

KFC Saint Lucia Company limited
Applicant/Respondent

v

La Marie Food Group (St. Lucia) Incorporated
Deluxed Dry Cleaners (St. Lucia Limited)
Philmore Davis
Wendy Davis
Interested Parties/Applicants

[SLUHCMAP2019/0005]
(Saint Lucia)

Date: **Tuesday, 22nd October 2019**

On paper: **Applicant** **Mr. Peter A. H. Marshall**

Issue: **Leave to appeal – Stay of execution**

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

- 1. The application for a stay of execution of the order of St. Rose-Albertini J dated 8th August 2019 is refused.**
- 2. Leave is granted to appeal the decision of St. Rose-Albertini J dated 8th August 2019.**
- 3. The applicant shall file a notice of appeal within 21 days from the date of this order, following which the appeal shall proceed in accordance with the Civil Procedure Rules 2000.**

Reasons: **The Court noted that the applicant has met the threshold for leave to appeal but not that of a stay of execution.**

Case Name: **Sol EC. Ltd.**

v
Rubis West Indies Limited

[SLUHCVAP2017/0052]
(Saint Lucia)

Date: **Tuesday, 22nd October 2019**

On paper:
Applicant: **Ms. Rowana-Kay Campbell**

Issue: **Strike out notice of appeal**

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

- 1. The application to strike out the notice of appeal filed on 6th December 2017 is granted.**
- 2. The costs of the application to the respondent in the sum of \$500.00.**

Reason: **The Court is noted that the appellant has not taken any further steps to prosecute the appeal and more particularly, the non-compliance with rule 62.11(1) of the Civil Procedure Rules 2000 and seeking no relief by way of application for an extension of time.**

Case Name: **Benjamin Exeter**
v
1. Winston Gaymes
2. Kathleen Jeffers
3. Sit Louis Straker
4. Sylvia Findlay-Scrubb
5. The Attorney General of Saint Vincent and the Grenadines

[SVGHCVAP2019/0011]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 22nd October 2019**

On paper:

Applicant: Mr. Joseph A. Delves

Issue:

Extension of time to file cross appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The notice of cross appeal filed on 15th July 2019 is dismissed as a nullity.**
- 2. The application for an extension of time within which to file the notice of cross appeal is accordingly dismissed.**

Case Name:

Lauren Baptiste

v

[1] Vil Davis

[2] Veronica John

[3] Montgomery Daniel

[4] Sylvia Findlay-Scrubb

[SVGHCVP2019/0010]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant: Mr. Joseph A. Delves

Issues:

Extension of time to file cross appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The notice of cross appeal filed on 15th July 2019 is dismissed as a nullity.**
- 2. The application for an extension of time within which to file the notice of cross appeal is accordingly dismissed.**

Case Name: **Lennox Grant**
v
Sacha Thomas-Robinson
[SVGMCVAP2019/0007]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 22nd October 2019**

On paper:
Applicant: **In person**

Issues: **Extension of time to appeal**

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

- 1. An extension of time of 14 days is granted to the applicant to comply with the order of Baptiste JA dated 24th September 2019.**
- 2. The applicant shall within 14 days of the date of this order, provide proof of service of the application by letter filed on 16th May 2019 for an extension of time within which to seek leave to appeal on the respondent.**
- 3. The application for an extension of time within which to seek leave to appeal is adjourned for further consideration at the next chamber sitting of this Court scheduled for 19th November 2019.**

Reason: **The applicant did not comply with a previous order of the Court by Baptiste JA.**

Case Name: **Grain-Trans Limited**
v
Ample Speed Limited
[BVIHCMAP2019/0022]
(Territory of the Virgin Islands)

Date: **Tuesday, 22nd October 2019**

On paper:
Applicant: **Mr. Robert Nader**

Issue: **Leave to appeal**

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

- 1. The applicant is granted leave to appeal the order of Adderley J [Ag.] dated 24th July 2019.**
- 2. The applicant shall file a notice of appeal within 21 days of the date of this order.**
- 3. The appeal shall thereafter proceed in accordance with CPR 2000.**

Case Name: **The Queen**
v
Lennox Da Silva also known as “Ocho”
[BVIHCRA2019/0003]
(Territory of the Virgin Islands)

Date: **Tuesday, 22nd October 2019**

On paper:
Applicant: **The Director of Public Prosecutions**

Issues: **Extension of time to apply 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 minute of conviction and sentence of the respondent and shall serve copies**

thereof on the parties and provide proof of service within 14 days of this order.

2. The applicant shall serve Lennox Da Silva with a copy of the application for the extension of time within 7 days of this order.
3. The applicant shall provide the Court with proof of service of the application for extension of time within 14 days of this order.
4. The application for an extension of time within which to apply for leave to appeal against the sentencing decision of Smith J delivered on 12th July 2019 is adjourned for further consideration at the next Chamber Hearing scheduled for 19th November 2019.

Case Name:

Zhongrong International Trust Co. Ltd

v

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

[BVIHCMAP2019/0025]

(Territory of the Virgin Islands)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant:

Mr. John McCarroll, SC

Issue:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the order of Adderley J [Ag.] dated 3rd September 2019.
2. The applicant shall file a notice of appeal within 21 days of the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.

Case Name:

Emmerson International Corporation

v

ABC Grandeservus Limited

[BVIHCMAP2019/0017]

(Territory of the Virgin Islands)

Date:

Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Colleen Farrington

Respondent: Mr. Tim Wright

Issue:

Leave to appeal – Extension of time to file counter notice

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal paragraph 3 of the order of Jack J. [Ag.] dated 9th May 2019 is granted.
2. The counter-notice of appeal filed on 9th August 2019 is deemed properly filed and served.
3. The written submissions in opposition to the appeal are deemed properly filed and served.
4. The costs of this application shall be costs in the appeal.

Case Name: [1] Sylvia Maduro-Dale
[2] Lucia Chalwell
v
The Registrar of Lands
[BVIHCVAP20192010/0022]
(Territory of the Virgin Islands)

Date: Tuesday, 22nd October 2019

On paper:

Applicant: Ms. Patricia Archibald-Bowers

Issue: Removal of legal practitioner from the Record

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve the notice of application and affidavit in support and thereafter file and affidavit evidencing such service.
2. The application to be removed from the record is adjourned for further consideration to the next chamber hearing of this Court scheduled for 19th November 2019.

Before: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal

Case Name: Sandiford Ruel Edwards
v
The Integrity Commission
[GDAHCVAP2019/0017]
(Grenada)

Date: Friday, 25th October 2019

On paper:

Applicant:

In person

Issue:

Stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for stay of execution of the order of Godfrey Smith J dated 28th June 2019 is refused.
2. The respondent is hereby restrained from proceeding with an investigation into the operations of the Marketing and National Importing Board pending the hearing and determination of this appeal.