

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

MONTSERRAT

22nd January 2020

Case Name: Director of Public Prosecutions
v
Elorine Aymer

[MNIMCRAP2019/0005]

Date: Wednesday, 22nd January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Oris Sullivan, Director of Public Prosecutions
Respondent:	Ms. Chivone Gerald

Issue: Status of the matter

Type of Order: Oral Decision

Result / Order: IT IS HEREBY ORDERED THAT:
The appeal is listed for hearing at the next sitting of the Court of Appeal in the Territory of Montserrat during the week commencing 27th January 2020.

Reason: The appeal is ready for hearing as written submissions have been filed by both parties and counsel for the respondent has indicated that the respondent's written submissions will be served on the Director of Public

Prosecutions on 22nd January 2020.

Case Name: Commissioner of Police
v
Derek Nicholas
[MNIMCRAP2014/0002]

Date: Wednesday, 22nd January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Oris Sullivan, Director of Public Prosecutions
Respondent: No appearance

Issue: Status of the matter

Type of Order: Oral Decision

Result / Order: IT IS HEREBY ORDERED THAT:
UPON NOTING the oral application made by the Director of Public Prosecutions that the matter be discontinued, the appeal is hereby withdrawn and discontinued as of 22nd January 2020.

Reason: The appellant is no longer interested in pursuing the appeal as the respondent has already served his sentence of imprisonment.

Case Name: Commissioner of Police
v
St. Jean Akmel

[MNIMCRAP2014/0003]

Date: Wednesday, 22nd January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Oris Sullivan, Director of Public Prosecutions

Respondent: No appearance

Issue: Status of the matter

Type of Order: Oral Decision

Result / Order: IT IS HEREBY ORDERED THAT:
UPON NOTING the oral application made by the Director of Public Prosecutions that the matter be discontinued, the appeal is hereby withdrawn and discontinued as of 22nd January 2020.

Reason: The appellant is no longer interested in pursuing the appeal as the respondent has already served his sentence of imprisonment.

Case Name: Ismael Farrell
v
The Commissioner of Police

[MNIMCRAP2017/0002]

Date: Wednesday, 22nd January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person (No appearance of counsel on record Mr. Seargeant)

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issue: Status of the matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall cause the record of appeal to be prepared and served on the parties in this appeal on or before 28th February 2020.
2. The matter is adjourned to the next status hearing of the Court in the Territory of Montserrat scheduled for 17th June 2020.

Reason: The matter was adjourned as the record of appeal has not yet been prepared and served on the parties by the Magistrate's Court.

Case Name:

[1] Joseph Fenton
[2] Richard Fenton
[3] Mary Ryan

v

William Keith Thomas
(Executor of the Estate of Peter Molyneux,
deceased)

[MNIHCVAP2018/0004]

Date: Wednesday, 22nd January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: No appearance

Respondent: In person

Issue: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve written submissions with authorities on or before 17th February 2020.
2. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 3rd March 2020.
3. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Territory of Montserrat during the week commencing 22nd June 2020.

Reason: The appellant filed submissions on 6th February 2019 and further submissions on 29th April 2019. On the last occasion, the respondent requested time to retain counsel so the appeal was adjourned to the status hearing list. The respondent has since retained counsel. The appellant, having filed written submissions, directions were given for the respondent to file written submissions in order to prepare the appeal for hearing.

Case Name: Catherine Tuitt
v
The Queen

[MNIHCRAP2018/0001]

Date: Wednesday, 22nd January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issue: Status of the matter

Type of Order: Directions

Result / Order: Upon noting the oral application made by counsel for the appellant made at the case management conference on 20th December 2019 that this appeal be scheduled for hearing after the hearing of MNIHCVAP2019/0015;

And upon noting that the respondent does not object to this application;

IT IS HEREBY ORDERED AND DIRECTED THAT:

1. The hearing of the appeal is adjourned pending the hearing of MNIHCVAP2019/0015.

2. This appeal is to be removed from the Court's list.

Reason: An application by counsel for the appellant was made for the appeal to be adjourned pending the hearing and determination of the civil appeal MNIHCVAP2019/0015. There was no objection to the application by the Director of Public Prosecutions.

Case Name:

Commissioner of Police

v

[1] Murry Edward

[2] Ceejay Wilson

[MNIMCRAP2019/0007]

Date: **Wednesday, 22nd January 2020**

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

Appearances:

Appellant:	Mr. Oris Sullivan, Director of Public Prosecutions
Respondent:	Ms. Chivone Gerald for the first respondent No appearance for the second respondent

Issue: **Status of the matter**

Type of Order: **Directions**

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

1. The appellant shall file and serve written submissions with authorities on or before 24th February 2020.
2. The respondent shall file and serve written submissions with authorities on or before 24th March 2020.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 8th April 2020.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Territory of Montserrat during the week commencing 22nd June 2020.

Reason: **The record of appeal was filed on 17th January 2020 and**

both parties have been served. The Court therefore made directions for the filing of written submissions in order to prepare the appeal for hearing.