

STATUS HEARING

SAINT CHRISTOPHER AND NEVIS
21st, 23rd and 25th January 2019

STATUS HEARINGS

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

Date: **Monday, 21st January 2019**

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

Appearances:
Appellant: **Mr. Jason Hamilton**
Respondent: **Ms. Lanein Blanchette**

Issue: **Status of the matter**

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

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

1. This appeal is consolidated with SKBHCRAP2015/0002, SKBHCRAP2015/0003, SKBHCRAP2015/0004 and SKBHCRAP2015/0005.
2. The Registrar of the High Court is directed to cause the transcript of the proceedings of the trial of this matter in the High Court to be given priority in preparation and to notify Counsel for the parties accordingly.
3. The appeal is adjourned to the next status hearing of the court in St. Kitts and Nevis during the week commencing 13th May, 2019.

Reason: Counsel had no objection to the appeal being consolidated with 4 other appeals which arose from the same trial in the High Court. The transcript of the trial was not yet prepared.

Case Name: Shenroy Francis
V
The Director of Public Prosecutions
[SKBHCRAP2015/0002]

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Fitroy Eddie
Respondent: Ms. Lanein Blanchette

Issue: Status of the matter

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

Result / Order: IT IS HEREBY ORDERED:
1. This appeal is consolidated with SKBHCRAP2015/0001, SKBHCRAP2015/0003, SKBHCRAP2015/0004 and SKBHCRAP2015/0005.
2. The Registrar of the High Court is directed to cause the transcript of the proceedings of the

trial of this matter in the High Court to be given priority in preparation and to notify Counsel for the parties accordingly.

3. The appeal is adjourned to the next status hearing of the court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason:

Counsel had no objection to the appeal being consolidated with 4 other appeals which arose from the same trial in the High Court. The transcript of the trial was not yet prepared.

Case Name:

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

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Fitzroy Eddie holding for Ms. Natasha Grey

Respondent:

Ms. Lanein Blanchette

Issue:

Status of the matter

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

Oral Judgment or Decision

Result / Order:

IT IS HEREBY ORDERED:

1. This appeal is consolidated with SKBHCRAP2015/0001, SKBHCRAP2015/0002, SKBHCRAP2015/0004 and SKBHCRAP2015/0005.
2. The Registrar of the High Court is directed to cause the transcript of the proceedings of the trial of this matter in the High Court to be given priority in preparation and to notify Counsel for the parties accordingly.
3. The appeal is adjourned to the next status hearing of the court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason:

Counsel had no objection to the appeal being consolidated with 4 others appeals which arose from the same trial in the High Court. The transcript of the trial was not yet prepared.

Case Name:

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

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Fitzroy Eddie holding for Mr. Roberto Hector

Respondent:

Ms. Lanein Blanchette

Issue:

Status of the matter

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

Oral Judgment or Decision

Result / Order:

IT IS HEREBY ORDERED:

1. This appeal is consolidated with SKBHCRAP2015/0001, SKBHCRAP2015/0002, SKBHCRAP2015/0003 and SKBHCRAP2015/0005.
2. The Registrar of the High Court is directed to cause the transcript of the proceedings of the trial of this matter in the High Court to be given priority in preparation and to notify Counsel for the parties accordingly.
3. The appeal is adjourned to the next status hearing of the court in St. Kitts and Nevis during the week commencing 13th May, 2019.

Reason:

Counsel had no objection to the appeal being consolidated with 4 other appeals which arose from the same trial in the High Court. The transcript of the trial was not yet prepared.

Case Name:

Moses Gardener

v

The Queen

[SKBHCRAP2015/0005]

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Fitzroy Eddie holding for Mr. Chesley Hamilton

Respondent:

Ms. Lanein Blanchette

Issue:

Status of the matter

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

Oral Judgment or Decision

Result / Order:

IT IS HEREBY ORDERED:

1. This appeal is consolidated with SKBHCRA2015/0001, SKBHCRA2015/0002, SKBHCRA2015/0003 and SKBHCRA2015/0004.
2. The Registrar of the High Court is directed to cause the transcript of the proceedings of the trial of this matter in the High Court to be given priority in preparation and to notify Counsel for the parties accordingly.
3. The appeal is adjourned to the next status hearing of the court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason:

Counsel had no objection to the appeal being consolidated with 4 other appeals which arose from the same trial in the High Court. The transcript of proceedings of the trial was not yet prepared.

Case name:

Keith Murray

v

The Queen

[SKBHCRA2017/0002]

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: None

Respondent: Ms. Lanein Blanchette

Issue: Status of the matter

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

Result / Order: Upon the Court being informed that the transcript of proceedings has not been prepared, the matter is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: The transcript of proceedings is not available and will not be available for the sitting of the Court of Appeal scheduled for the week of 28th January 2019. The High Court Registry could not confirm whether the transcript has been started.

Case name:

**Raheem Crossley
v
The Director of Public Prosecutions
[SKBHCRAP2015/0010]**

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:	
	Appellant: None
	Respondent: Ms. Lanein Blanchette
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Adjournment
Result / Order:	Upon the Court being informed that the transcript of proceedings has not yet been completed, the matter is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing the 13th May 2019.
Reason:	The transcript has been started but due to difficulties with the audio recording, the transcript is yet to be completed. The Court indicated that counsel is free to take the necessary steps to have the matter readied for the next sitting of the Court of Appeal, if the transcript is produced before the next status hearing of the Court.
Case name:	Jahari Bart v The Queen
	[SKBHCRAP2017/0001]
Date:	Monday, 21st January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:	
	Appellant: None
	Respondent: Ms. Lanein Blanchette
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Adjournment
Result / Order:	Upon the Court being informed that the transcript of proceedings has not yet been prepared, the matter is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.
Reason:	The transcript has been started but is not yet finished. It should be finished by May of 2019.

Case name:	Sandy Nisbett
	v
	The Director Public Prosecutions
	[SKBHCRAP2012/0014]

Date:	Monday, 21st January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
	Appellant: Mr. Jason Hamilton holding for Mr. Hesketh Benjamin
	Respondent: Ms. Lanein Blanchette

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order:	IT IS HEREBY ORDERED: 1. The appellant is granted leave if necessary to file and serve written submissions with authorities, no later than the 28th of February 2019. 2. The respondent is granted leave, if necessary, to file and serve written submissions together with authorities in response, no later than the 29th of March 2019. 3. The hearing of the appeal is adjourned to the next sitting of the Court in St. Kitts and Nevis during the week commencing the 20th May 2019.
Reason:	The transcript has been started but is not yet finished. It should be finished by May 2019.
Case name:	Sankofa MacCabee v The Chief of Police [SKBMCRAP2015/0007]
Date:	Monday, 21st January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	None
Respondent:	Ms. Lanein Blanchette

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Oral Judgment or Decision
Result / Order:	IT IS HEREBY ORDERED: The stay of the hearing of this appeal is continued until the conclusion of the constitutional motion filed by the appellant in the High Court.
Reason:	This matter is the subject of a constitutional motion filed in the High Court. The matter was listed for status hearing so that a report could be given to the Court on the progress of the motion filed in the High Court.
Case Name:	The Commissioner of Police v Kirk Hendrickson et al [SKBMCRAP2015/0001]
Date:	Monday, 21st January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. O’Grenville Browne holding for Dr. Henry Browne Q.C. for respondent Kerry Seetahan
Respondent:	Ms. Lanein Blanchette
Issue:	Status of the matter

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

Directions

Result / Order:

IT IS HEREBY ORDERED:

1. The Chief Magistrate shall cause the record of appeal, including the reasons for the decision, to be prepared and submitted to the Registrar of the High Court on or before the 28th February 2019.
2. The appeal is adjourned to the next status hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason:

The respondents are incarcerated and were not served with notice of the Status Hearing. The transcript of proceedings has not yet been prepared.

Case Name:

Abia Hendrickson

v

The Chief of Police

[SKBMCRAP2016/0014]

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Jason Hamilton holding papers for Ms. Marsha Henderson

Respondent:

Ms. Lanein Blanchette

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Adjournment
Result / Order:	Upon the indication of counsel holding for the appellant that a notice of discontinuance will be filed in this matter, it is hereby ordered that the appeal is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13 th May 2019.
Reason:	A notice of discontinuance is to be filed in relation to the appeal. The application will be made at the next Status Hearing, once the notice is prepared and filed.
Case Name:	Bevon Taylor et al v Chief of Police [SKBMCRAP2016/0010] [SKBMCRAP2016/0011]
Date:	Monday, 21st January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. O’Grenville Browne, Holding for Dr. Henry Browne Q.C. for the appellant Bevon Taylor; No appearance for Melvin Javier Murrain Matos.
Respondent:	Ms. Lanein Blanchette

Issue:

Status of the matter

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

Directions

Result / Order:

IT IS HEREBY ORDERED:

1. The appellant, Melvin Javier Murrain Matos shall file and serve written submissions with authorities on or before the 28th February 2019.
2. The respondent shall file and serve written submissions with authorities on or before the 29th March 2019.
3. The appellants are at liberty to file and serve written submissions in reply, if necessary, on or before the 30th April 2019.
4. The hearing of the appeal is adjourned to the next sitting of the court of appeal in St. Kitts and Nevis during the week commencing 20th May 2019.

Reason:

Submissions have been filed and served on behalf of the first named appellant, Bevon Taylor. No submissions have been filed on behalf of the second named appellant, Melvin Matos. The Crown is yet to file any submissions.

Case Name:

**The Commissioner of Police
v
Akile Glasgow**

[SKBMCRAP2017/0003]

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Lanein Blanchette
Respondent: Mr. O’Grenville Brown holding for Dr. Henry Browne Q.C.

Issue: Status of the matter

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

Result / Order: IT IS HEREBY ORDERED:
1. The appellant is to file and serve written submissions with authorities on or before 15th February 2019.
2. The respondent shall file and serve written submissions with authorities on or before the 15th of March 2019.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before the 1st April 2019.
4. The hearing of the appeal is adjourned to the next sitting of the Court of appeal is St. Kitts and Nevis during the week commencing 20th May 2019.

Reason: The Crown indicated that its submissions will be completed, filed and served on the respondent during the course of the week that the matter was heard.

Case Name: Commissioner of Police
v
Jonathon Christopher McLaughlin
[SKBMCRAP2018/0001]

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Lanein Blanchette

Respondent: None

Issue: Status of the matter

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

Result / Order: Upon the indication of counsel holding for the appellant that a Notice of Discontinuance will be filed in this matter, the appeal is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: A notice of discontinuance will be filed in this matter shortly.

Case Name: Sylvester Harris
v
Chief of Police

[SKBMCRAP2017/0002]

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: None

Respondent: Ms. Lanein Blanchette

Issue:

Status of the matter

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

Directions

Result / Order:

IT IS HEREBY ORDERED:

1. The appellant shall file and serve written submissions with authorities on or before 28th February 2019.
2. The respondent shall file and serve written submissions with authorities on or before 29th March 2019.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 30th April 2019.
4. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in St. Kitts and Nevis during the week commencing 20th May 2019.

Reason:

The Crown had not yet filed submissions in this matter and requested that the appeal be adjourned to the next sitting of the Court of Appeal in St. Kitts and Nevis.

Case Name:

**Lynda Lou Liburd
v
Robert Liburd**

[SKBHCVAP2017/0007]

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: None

Respondent: None

Issue: Status of the matter

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

Result / Order: Upon the Court being informed that the transcript of proceedings is not ready, the appeal is adjourned to the next status hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: The High Court Registry indicated the transcript of proceedings has not yet been completed. No appearance by or on behalf of the parties.

Case Name: Leslie Charles Adamson Salters
v
Bank of Nova Scotia
[SKBHCVAP2015/0020]

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: None
Respondent: None

Issue: Status of the matter

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

Adjournment

Result / Order:

Upon the Court being informed that the transcript of proceedings is not ready, the appeal is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason:

The High Court Registry indicated that the transcript of proceedings has not yet been completed. No appearance by or on behalf of the parties.

Case Name:

**Leslie Charles Adamson Salters
v
Bank of Nova Scotia**

[SKBHCVAP2015/0021]

Date:

Monday, 21st January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: None

Respondent: None

Issue:

Status of the matter

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

Adjournment

Result / Order: Upon the Court being informed that the transcript of proceedings is not ready, the appeal is adjourned to the next status hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: The High Court Registry informed the Court that the transcript of proceedings has not yet been completed. No appearance by or on behalf of the parties.

Case Name: Kimberly Ward et al
v
Chief of Police et al
[SKBHCVAP2014/0004]

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Talibah Bryon, holding for Mr. Terrance Byron
Respondents: Mrs. Tashna Powell-Williams

Issue: Status of the matter

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

Result / Order: The appeal is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019 for report.

Reason: The primary appellant has been in a comatose state for almost a year. As a result, counsel has experienced great difficulty obtaining instructions. Counsel is in the process of seeking further instructions from the appellant's family. The respondent is aware of counsel's difficulty.

Case Name: Steve Powell
v
Laurell Dorset

[SKBMCVAP2016/0008]

Date: Monday, 21st January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: None

Respondent: Ms. Yvonne Bussue-Flemming

Issue: Status of the matter

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

Result / Order: The matter is adjourned to the next Status Hearing of the Court of Appeal in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: The record of appeal has not yet been served on the appellant as the High Court Registry was not in possession of an address for the appellant.

Case Name:	Delisle Walwyn & Co. Ltd. v Vivar Edwards [SKBMCVAP2017/0001]
Date:	Monday, 21st January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	None
Respondents:	None
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order:	IT IS HEREBY ORDERED: 1. The Chief Magistrate shall cause the record of appeal, including the reasons for the decision, to be prepared and submitted to the Registrar of the High Court on or before 28th February, 2019. 2. The matter is adjourned to the next status hearing of the Court in St. Kitts and Nevis during the week commencing 13th May, 2019.
Reason:	The High Court Registry indicated that the record of appeal had not been received from the Magistrates Court. There were no appearances by or on behalf of the parties for either side.

Case Name:

**Ermine Daniel
v
Kirthley Daniel et al**

[SKBHCVAP2012/0022]

Date:

Wednesday, 23rd January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Emily Prentice-Blackett

Respondent:

None

Issue:

Status of the matter

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

Directions

Result / Order:

IT IS HEREBY ORDERED:

- 1. The matter is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.**
- 2. The Registrar of the High Court is to effect service of the notice of hearing on the respondents personally.**

Reason:

The second named respondent was not served with notice of the Status Hearing. It was also noted that the transcript of proceedings had not yet been completed as quality of the audio recording does not permit the full transcription of the proceedings.

Case Name:

Martin Andrew

v

Derrick Browne

[SKBMCVAP2018/0002]

Date:

Wednesday, 23rd January 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

None

Respondent:

None

Issue:

Status of the matter

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

Directions

Result / Order:

IT IS HEREBY ORDERED:

- 1. The matter is adjourned to the next Status Hearing of the Court in St. Kitts and Nevis during the week commencing 13th May 2019.**
- 2. The Registrar of the High Court is to effect service of the notice of hearing on the parties personally.**

Reason:

There were no appearances by or on behalf of either party. The Court office confirms that the Notice of hearing was served on the parties the day before the hearing, which the court noted is not sufficient time for service of a notice of hearing.

Case Name:

Lawrington Powell

v

Edmund Slack

[SKBMCVAP2018/0016]

Date: Wednesday, 23rd January 2018

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Appellant in person, not represented by counsel

Respondent: Mr. Oral Martin

Issue: Status of the matter

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

Result / Order: Upon the Court being informed by the parties that they wish to enter into discussions for settlement, the matter is adjourned to the next status hearing of the Court of Appeal in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: The parties intend to pursue settlement negotiations and wished for some time to arrive at a consent order.

Case Name: Myrna Liburd
v
Lorna Hunkins

[SKBHCVAP2014/0023]

Date:	Wednesday, 23rd January 2018
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Ms. Emily Prentice-Blackett
Respondent:	Mr. Gyan Robinson
 Issue:	 Status of the matter
 Type of Oral Result / Order Delivered (if applicable):	 Directions
 Result / Order:	IT IS HEREBY ORDERED: 1. The Registrar of the High Court is to ensure that Volume 1 of the transcript of proceedings is served on the appellant on or before 31st January 2019 and provided an affidavit of service to the Court. 2. The appellant shall file and serve the record of appeal on or before the 22nd February 2019. 3. The appellant shall file and serve written submissions with authorities on or before 22nd March 2019. 4. The respondent shall file and served written submissions with authorities on or before 23rd April 2019. 5. The appellant is at liberty to file and serve written submissions in reply if necessary by 8th May 2019. 6. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in St. Kitts and Nevis during the week commencing 20th May 2019.
 Reason:	 The appellants have only received Volume 2 of the transcript and are awaiting Volume 1. The respondent is in receipt of both Volumes 1 and 2 of the transcript. The appellant says payment was made for both volumes of the transcript.

Case Name:	Eugene Petty et al v Adison Markman et al [SKBHCVAP2017/0012]
Date:	Wednesday, 23rd January 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. Terrance Bryon holding for Mr. Nassibou Butler
Respondent:	Ms. Renal Edwards for the first named respondent; Ms. Miselle O'Brian for the second named respondent.
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order:	IT IS HEREBY ORDERED: 1. The appellants shall file and serve written submissions with authorities on or before the 21st day of February 2019. 2. The respondent shall file and serve written submissions with authorities on or before the 22nd day of March 2019. 3. The appellants are at liberty to file and serve written submissions in reply, if necessary, on or before the 5th day of April 2019. 4. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in St. Kitts and Nevis during the week commencing 20th May 2019.

Reason: The appellant had not yet filed submissions. A record of appeal had been filed.

Case Name: Junior McFarlane
v
Desdemona Henry
[SKBMCVAP2015/0005]

Date: Wednesday, 23rd January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: None
Respondent: None

Issue: Status of the matter

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

Result / Order: IT IS HEREBY ORDERED:
The matter is adjourned to the next status hearing of the court of appeal in St. Kitts and Nevis during the week commencing 13th May 2019.

Reason: Counsel for the appellant was on leave, the appellant was not present, the respondent is deceased and there is no counsel on record for the respondent. The attorney that was previously on record was removed by his own application following the death of the respondent.

Case Name: Frank Farrell
v

**St. Kitts Urban Development Corporation
Limited**

[SKBMCVAP2016/0017]

Date: Friday, 25th January 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. John Cato

Respondent: Ms. Miselle O'Brian

Issue: Status of the matter

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

Result / Order: Upon the court noting that the Notice of Appeal was filed out of time and the appellant did not seek from the court an extension of time to file the Notice of Appeal:

1. The appeal is struck out as a nullity.
2. Costs to the respondent agreed in the sum of \$500.00.

Reason: The appellant's notice of appeal had been filed some 10 months after judgment was handed down by the Magistrate and, by virtue of the fact that the appeal was out of time. No extension of time had been sought to file the Notice of Appeal out of time. Accordingly, the notice of appeal could only have been treated as a nullity. See *Craig Reeves v Platinum Trading Management Limited*, Saint Christopher and Nevis High Court Civil Appeal No. 22 of 2007 (delivered 25th February 2008, unreported) and *Nevis Island Administration v La Copproprete Du Navire J31 et al* (Saint Christopher and Nevis High Court Civil Appeal No. 7 of 2005, delivered 29th December 2005)