

COURT OF APPEAL SITTING

GRENADA

Monday, 15th October 2018 to Friday, 19th October 2018

STATUS HEARING

Case Name:	Grenada Rice Mills v Grenada Marketing and National Importing Board
	[GDAHCVAP2015/0002]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Mr. Dickon Mitchell, holding papers for Mr. Anselm Clouden
Respondent:	Ms. Lisa Taylor
Issue:	Status of the matter
Type of Oral Result/Order Delivered:	Directions
Result/Order &Reason:	[Oral delivery] 1. Given that the record of appeal has been prepared and received by the parties, the appeal is to proceed in accordance with CPR 2000. 2. Appeal is set down for hearing during the next sitting of the Court of Appeal in Grenada commencing on the 25th day of February 2019.

Case Name:

Ennis Ann Thomas

v

Rhoden Gordon

[GDAHCVAP2014/0035]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. Alban John

Respondent:

Mr. Deloni Edwards

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

**Result/ Order
& Reason:**

[Oral delivery]

In the absence of the transcript, the parties can confer on getting the notes of evidence together, given the antiquity of the matter and are directed as follows:

- 1. Parties are directed to get together and agree on notes of evidence using their personal notes.**
- 2. This matter is adjourned for further status hearing of Court of Appeal, during the next sitting of the Court of Appeal in Grenada commencing 25th February 2019.**

Case Name:

Catherine Joseph (aka Faith Regis)

v

Maude Campbell

[GDAHCVAP2014/0029]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Dr. Francis Alexis, holding papers for Mr. Anselm Clouden

Respondent: Mr. Deloni Edwards

Issue: Status of the matter

Type of Oral Result / Order Delivered: Directions

Result/ Order: [Oral delivery]
The transcript being unavailable by the Registrar, the appeal is adjourned for further consideration at the next status hearing of the Court of Appeal, which is scheduled to be held during the week commencing 25th February 2019.

Reason: The transcript has not yet been prepared.

Case Name:

Denzil Gilbert
v
Grenada Distillers Limited
[GDAHCVAP2014/0015]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Ms. Hazel Hopkin

Respondent: Mr. Dickon Mitchell

Issue: **Status of the matter:**
A Notice of Discontinuance has been filed

**Type of Oral
Result / Order
Delivered:** **Directions**

Result/ Order: **[Oral delivery]**
The appeal stands dismissed.

Reason: **A notice of discontinuance has been filed.**

Case Name: **Joseph Bartholomew**
v
Claudette Paula Bartholomew
[GDAHCVAP2014/0025]

Date: **Monday, 15th October 2018**

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

Appearances:
Appellant: **Ms. Lisa Taylor, holding papers for Ciboney
Chambers**
Respondent: **Mrs. Sabrita Khan-Ramdhani, holding papers for
Ms. Karen Samuel**

Issue: **Status of the matter**

**Type of Oral
Result / Order
Delivered:** **Directions**

Result / Order **[Oral delivery]**

/ Reason:

The appeal is adjourned for further status hearing to the next sitting of the Court of Appeal in Grenada which is scheduled for the week commencing 25th February 2019, in order to ascertain the position in relation to the preparation of the transcript by the Registrar.

Case Name:

Magdalene Lendore

V

[1] Winsford Frank

[2] Viola Frank

[GDAHCVAP2014/0001]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

No appearance

Respondent:

Mrs. Winnifred Duncan-Phillip

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

**Result/ Order
& Reason:**

[Oral delivery]

The transcript of the proceedings below being unavailable, the matter is adjourned for further status hearing at the next sitting of this Court in Grenada, commencing the week of 25th February 2019.

Case Name:

Hassan Brothers Limited

v
Heida Rahim
(as agent for the Estate of Ruth Rahim)

GDAHCVAP2015/0024

Date: Monday, 15th October 2018

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

Appearances:

Appellant:	Mr. Benjamin Hood
Respondent:	Ms. Lisa Taylor

Issue: Status of the matter

Type of Oral Result / Order Delivered: Adjournment

Result/ Order: [Oral delivery]
The matter is adjourned to the next sitting of this Court in Grenada commencing the week of 25th February 2019, in order to ascertain the status of the transcript.

Reason: The transcript is unavailable. Parties have agreed to share the costs of the preparation of the transcript.

Case Name:

[1] Darwin Smith [2] Island Security Limited
v
[1] Francis Lavicsount nee Franklyn (in her capacity as Administratrix of the estate of Wilton Grimes, deceased) [2] Brian Grimes

GDAHCVAP2015/0005

Date: Monday, 15th October 2018

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

Appellant: Ms. Lisa Taylor, holding papers for Ciboney Chambers

Respondent: Mr. Deloni Edwards

Issue: Status of the matter

Type of Oral Result / Order Delivered: Adjournment

Result/ Order: [Oral delivery]
The appeal is adjourned for further consideration at the next sitting of the Court of Appeal in Grenada, during the week of 25th February 2019, in order to ascertain the status of the transcript of proceedings.

Reason: Transcript is unavailable.

Case Name: Wendy Ann Farray
v
Juniour Farray

GDAHCVAP2014/0009

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Alban John

Respondent: Mr. Deloni Edwards

Issues: Status of the matter

**Type of Oral
Result / Order
Delivered:** Adjournment

Result/ Order: [Oral delivery]
The matter is adjourned for further status hearing at the next sitting of this Court in Grenada, during the week commencing 25th February 2019.

Reason: Transcript not available.

Case Name: Nelson Louison
v
Margaret Stewart

GDAHCVAP2015/0032

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Benjamin Hood

Respondent: Ms. Deborah St. Bernard

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Adjournment

Result/ Order: [Oral delivery]
The status hearing is adjourned for further consideration during the next sitting of the Court of Appeal in Grenada, during the week commencing 25th February 2019.

Reason: Transcript not available. Although the parties have discussed paying privately for the preparation of the transcript, they are financially incapable of doing so.

Case Name: Elizabeth Corion
(Administratrix of the estate of Brunio Corion, deceased)
v
Gafsons Investments (Grenada) Inc.
[GDAHCVAP2018/0005]

Date: Monday, 15th October 2018

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

Appearances:
Appellant: Mr. Rohan Phillip with him Mrs. Shireen Francis-Hackett
Respondent: Ms. Georgelle George

Issue: Status of the matter

Type of Oral Result / Order Delivered: Adjournment

Result/ Order: [Oral delivery]
The status hearing is adjourned for further

consideration during the next sitting of the Court of Appeal in Grenada, during the week commencing 25th February 2019.

Reason: Transcript is unavailable. Notice of Appeal has been filed and served. Despite there being no estimated cost given, the parties are willing to pay for the preparation of the transcript.

Case Name: Alfred Morain v Massy United Insurance Limited

GDAHCVAP2017/0016

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Ms. Rena Banfield

Respondent: Mrs. Melissa Modeste-Singh

Issue: Status of the matter

Type of Oral Result / Order Delivered: Directions

Result/ Order: [Oral delivery]
This matter is taken off the list to permit the appellant to advise itself on the way forward.

Reason: Appellant requires extended time to file submissions in respect of this matter. The Court declined to give advice to the appellant, and directed the appellant to, given the circumstances, prosecute the appeal.

1. Notice of appeal has been filed by the Appellant.
2. 50 days have expired.
3. Notice of opposition has been filed by the respondent, in relation to the nature of this substantive matter.
4. No submissions have been filed by the appellant because the appellant desires the Court to determine the nature of this matter.
5. Appellant made an application for leave for extended time to file its submissions.

Case Name:	Nichole Holas (t/a Nicki and Daughters) v Aiden Hannibal [GDAHCVAP2016/0011]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Ms. Sabina Gibbs
Respondent:	Mrs. Pauline Hannibal
Issues:	Status of the matter
Type of Oral Result / Order Delivered:	Adjournment
Result/ Order:	[Oral delivery] The appeal is adjourned for further consideration at the next status hearing of the Court of Appeal in Grenada, scheduled for the week commencing 25th February 2019.

Reason: Transcript is unavailable.

Case Name: Garth George
v
[1] Errol Joseph
[2] Errol Joseph (Administrator of the
Estate of Agnes Joseph)
[GDAHCVAP2016/0043]

Date: Monday, 15th October 2018

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

Appearances:
Appellant: Mr. Henry Paryag
Respondent: Ms. Shereba Lewis

Issues: Status of the matter

**Type of Oral
Result / Order
Delivered:** Adjournment

Result/ Order: [Oral Delivery]
The appeal is adjourned to the next status hearing
of the Court of Appeal in Grenada, scheduled for
the week commencing 25th February 2019, to
ascertain the status of the transcript.

Reason: Transcript is unavailable.

Case Name: Roslina de Gale Moyo
v

Fitzroy John

[GDAHCVAP2016/0029]

Date: Monday, 15th October 2018

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

Appearances:

Appellant	Mr. Michael Lindo
Respondent:	Mrs. Sabrita Khan-Ramdhani

Issues: Status of the matter

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

Result /Order: [Oral Delivery]
The appeal is adjourned for further consideration at the next status hearing of the Court of Appeal in Grenada, scheduled for the week commencing 25th February 2019.

Reason: Transcript is unavailable.

Case Name:

Lloyd Noel
v
Dr. Patrick Antoine

[GDAHCVAP2016/0012]

Date: Monday, 15th October 2018

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

Appearances:

Appellant:	Dr. Francis Alexis, with Mr. Henry Paryag and Mr.
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	Anselm Clouden
Respondent:	Ms. Rena Banfield
Issue:	Status Hearing
Type of Oral Result / Order Delivered (if applicable):	Directions
Result /Order:	[Oral Delivery] The appeal is adjourned for further consideration, during the next sitting of the Court of Appeal in Grenada, commencing the week of 25th February, 2019, in order to ascertain the status of the transcript.
Reason:	The Court noted that Mr. Lloyd Noel is now deceased and accordingly, his estate must now be substituted. An application was made before the High Court to substitute estate with that of "Lloyd Noel." There have been proceedings to enforce judgment against the estate of Mr. Lloyd Noel, by substituted Administratrix. The transcript is unavailable, but steps are being taken by the Registrar of the High Court to have same ready for the next sitting of the Court.
Case Name:	[1] Leonard St. Bernard [2] Recia Charles v Teamwork Construction [GDAHCVAP2015/0019]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:	

Appellant: Mr. Benjamin Hood

Respondent: Ms. Shereba Lewis

Issue: Status Hearing

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

**Result /Order
& Reason:** [Oral Delivery]
1. Counsel having indicated their intention to have the appeal dealt with by way of summary hearing, the appeal is adjourned for further consideration during the next sitting of the Court of Appeal in Grenada, commencing the week of 25th February 2019.
2. The matter is to remain on the list until such time as stated above.

Case Name: Wilbert Joseph
v
Daisy Depradine

[GDAHCVAP2016/0022]

Date: Monday, 15th October 2018

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

Appearances:
Appellant: Mrs. Sabrita Khan-Ramdhani
Respondent: Ms. Melissa Modeste Singh holding papers for Ms. Ria Marshall-Ghust

Issue: Status Hearing

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

Adjournment

Result /Order:

**[Oral Delivery]
The appeal is adjourned for further consideration
at the next status hearing of the Court of Appeal
in Grenada, scheduled for the week commencing
25th February 2019.**

Reason:

The transcript is unavailable.

Case Name:

**Daphne McIntosh
v**

**[1] Sandra Bridgeman
[2] The Attorney General of Grenada**

[GDAHCVAP2016/0007]

Date:

Monday, 15th October 2018

Before:

**The Hon. Mde. Louise Esther Blenman, Justice of
Appeal**

Appearances:

Appellant:

**Ms. Shereba Lewis, holding papers for Mrs.
Brenda Wardally-Beaumont**

Respondents:

**Ms. Evette John, for the First-Named Respondent
Ms. Maurissa Johnson, for the Second-Named
Respondent**

Issue:

Status of the matter

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

Adjournment

Result /Order: [Oral Delivery]
The transcript being unavailable, the appeal is adjourned to the next sitting of the Court of Appeal in Grenada, which is scheduled for the week of 25th February, 2019.

Reason: The transcript is unavailable.

Case Name: Charmaine Milkson
v
Cable & Wireless Grenada Limited
[GDAHCVAP2016/0030]

Date: Monday, 15th October 2018

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

Appearances:
Appellant: Ms. Sabina Gibbs
Respondent: Mr. Dylan Charles, with Ms. Rosana John

Issue: Status of the matter

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

Result /Order & Reason: [Oral Delivery]
The transcript in this matter being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

**Godwin Bibby
v
Grenada Co-Operative Bank Limited**

[GDAHCVAP2016/0018]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Rohan Phillip with Ms. Shireen Francis-Hackett

Respondent: Mr. Deloni Edwards, holding papers for Ms. Deborah St. Bernard

Issue: Status of the matter

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

Result /Order: [Oral Delivery]
The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

**Aiham Shammas
v
SGL Holdings**

[GDAHCVAP2016/0020]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Anselm Clouden
Respondent: Mr. Deloni Edwards

Issue: Status of the matter

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

Result /Order & Reason: [Oral Delivery]
The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February, 2019.

Case Name: [1] Shankar Khushalani
[2] Mina Khushalani
(trading as Divine Apartments)
v
Lindsay Mason

[GDAHCV2016/0017]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Ms. Sabina Gibbs

Respondent: Ms. Hazel Hopkin

Issue: Status of the matter

Type of Oral Result / Order Directions

**Delivered
(if applicable):**

**Result /Order
& Reason:**

[Oral Delivery]

The transcript in this matter having been received and the record of appeal having been filed, the appeal shall proceed in accordance with CPR 2000.

Case Name:

[1] Choo Loi Poi

[2] Liu Yue Xin

v

Donald Frederick

[GDAHCVAP2016/0026]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. Deloni Edwards

Respondent:

Mr. Rohan Phillip with him Mrs. Shireen Francis-Hackett

Issue:

Status Hearing

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

Adjournment

**Result /Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February, 2019

Case Name:

Leon O. Taylor

v

[1] Wilfred Julien

[2] Annette Smith

[3] Carmen Julien Smith

[4] Peter Smith

[5] Phillip Smith

[6] Daphne Anne Vidal

(Executrix of the Estate of Charles David Williams, substituted for Charles David Williams by order of Mde. Justice Clare Henry dated 25th January 2013)

[7] Michael Julien

[8] Patricia Julien

[GDAHCVAP2016/0019]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. Dickon Mitchell

Respondent:

Mr. Alban John

Issues:

Status of the matter

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

Directions

**Result /Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

**Lloyd Noel
v
Keith Cladius Mitchell**

[GDVAHCVAP2016/0028]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. Henry Paryag

Respondent:

Mrs. Sabrita Khan-Ramdhani

Issues:

Status of the matter; Transcript Unavailable

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

Adjournment

**Result /Order
& Reason:**

**[Oral Delivery]
The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February 2019**

Case Name:

**Bernadette Nimrod
v
Avis Mason**

[GDAHCVAP2016/0041]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant: Dr. Francis Alexis
Respondent: Ms. Hazel Hopkin

Issues

Status of the matter

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

Adjournment

**Result /Order
& Reason:**

[Oral Delivery]
The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

**The Attorney General of Grenada
v
Corrine Clara**

[GDAHCVAP2016/0032]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant: Ms. Kinna Marrast Victor
Respondent: Mr. Deloni Edwards
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Issue:

Status of the matter

**Type of Oral
Result / Order**

Directions

**Delivered
(if applicable):**

Result/Order:

[Oral Delivery]

1. The appeal is adjourned to the next sitting of the Court of Appeal in Grenada, to enable the Attorney General to make requisite applications for summary trial.
2. Status hearing of appeal is to be heard during the week commencing 25th February 2019.

Reason:

The Court noted that the transcript is outstanding and that the record of appeal and skeleton arguments are being prepared.

Case Name:

Grensire Fire & General Insurance Ltd.

v

Dr. Nizar Hadeed

[GDAHCVAP2016/0036]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mrs. Melissa Modeste-Singh

Respondent:

Mrs. Sabrita Khan-Ramdhani (indicated that while her name still appears on the record, she no longer acts for the respondent)

Issue:

Status Hearing

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

Adjournment

**Result /Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is

adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

Kathlyn Garraway

v

[1] Nigel Leroy Alexis

[2] Lindon Darren Alexis

[GDAHCVAP2016/0031]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mrs. Sabina Gibbs

Respondent:

Ms. Georgelle George

Issues:

Status Hearing

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

Adjournment

**Result / Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

[1] Paul Greenidge

[2] Daniel James

v

[1] Emrol Phillip

[2] Nicole Phillip

[GDAHCVAP2016/0035]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Ms. Hazel Hopkin

Respondent: In person, No appearance

Issues: Status Hearing

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

Result /Order & Reason: [Oral Delivery]

1. The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February 2019.
2. The Registrar is directed to cause notice of the adjourned hearing to be served on the Respondent

Case Name:

Marlon Richards
v
Nathan Lewis

[GDAHCVAP2016/0025]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Ms. Hazel Hopkin
Respondent: Mr. Deloni Edwards

Issue: Status of the matter

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

Result /Order: [Oral Delivery]
This appeal stands dismissed.

Reason: A Notice of discontinuance has been filed in this matter.

Case Name: Venescia Francis
v
The Watson Group Limited
[GDAHCVAP2016/0024]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mrs. Sabrita Khan-Ramdhani
Respondent: Mr. Deloni Edwards, holding papers for Mr. Dickon Mitchell

Issues: Status of the matter

Type of Oral Result / Order Delivered Adjournment

(if applicable):

**Result /Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February, 2019.

Case Name:

Gellineau Gordon

V

Rhodan Gordon

[GDAHCVAP2016/0042]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. Henry Paryag

Respondent:

Mr. Deloni Edwards

Issue:

Status of the matter

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

Directions

**Result /Order
& Reason:**

[Oral Delivery]

1. Given that the transcript is not prepared and the Respondent is now deceased, the appeal is adjourned to:
 - (i) enable to the appellant to take necessary steps to regularise matters in respect of the parties; and
 - (ii) have the transcript prepared.
2. The matter is adjourned to the next sitting of the Court of Appeal in Grenada commencing 25th February 2019.

Case Name:

Lucy Murchie

v

George Martin

[GDAHCVAP2016/0014]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. Dylan Charles, holding papers for Mr. Anselm Clouden

Respondent:

Mrs. Melissa Modeste-Singh

Issue:

Status of the matter

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

Adjournment

**Result /Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned for further consideration of the Court of

Appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name:

Liberty Club Limited

v

James Bristol

[GDAHCVAP2016/0013]

Date:	Monday, 15th October 2018
Before:	The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Mr. Anselm Clouden
Respondent:	Mrs. Melissa Modeste-Singh, holding papers for Mr. Alban John
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result /Order: & Reason	The Notice of discontinuance being filed, this appeal stands dismissed.

Case Name:	Native Hut Limited v Clico Investment Bank [GDAHCVAP2018/0002]
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Date:	Monday, 15th October 2018
Before:	Hon. Mde. Louise Blenman, Justice of Appeal
Appearances:	
Appellant:	Mr. Jerry Edwin
Respondent:	Ms. Shireen Wilkinson with her Ms. Rosana John
Issues:	Status of the matter

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

Result / Order:

[Oral Delivery]

1. In light of the fact that the respondent has filed its submissions late and required an extension of time, the appeal is adjourned to the next sitting of the Court of Appeal in Grenada.
2. The late filing is not prejudicial to the Appellant's oral application in opposition to the Respondent's application for extension of time.
3. In view of the fact that the requisite documents have been filed, the matter shall be referred to the Chief Registrar in order to be listed.

Reason:

The parties are prepared to proceed:

1. The appellant has filed submissions in this appeal.
2. There was late filing by the respondent which counsel advanced was not prejudicial.
3. Ms. Wilkinson applied for leave for extended time to apply.
4. Notice of objection has been filed.

Case Name:

Kenthon St. Bernard

v

The Queen

[GDAHCRAP2015/0002]

Date:

Monday, 15th October 2018

Before:

Hon. Mde. Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

No appearance

Respondent:

Mr. Howard Pinnock, for the Director of Public

Prosecutions

Issues:

Status of the matter

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

Oral Judgment or Decision

Result / Order:

**[Oral Delivery]
The appellant having absconded and being
absent today, the appeal stands dismissed.**

Reason:

The appellant has not appeared.

Case Name:

**John Redhead
v
The Queen**

[GDAHCRAP2015/0006]

Date:

Monday, 15th October 2018

Before:

**Hon. Mde. Louise Esther Blenman, Justice of
Appeal**

Appearances:

Appellant:

Ms. Sabina Gibbs

Respondent:

Mr. Howard Pinnock

Issue:

Status of the matter

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

Adjournment

**Result / Order:
& Reason**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned to 25th February 2019 during the next sitting of the Court of Appeal in Grenada, to determine the status of the transcript.

Case Name:

Isaac Gilbert

v

The Queen

[GDAHCRAP2015/0007]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mr. George Prime

Respondent:

Mr. Howard Pinnock

Issue:

Status of the matter

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

Adjournment

**Result / Order:
& Reason**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned to the next sitting of the Court of Appeal in Grenada, which is scheduled for the week of 25th February 2019, for further consideration.

Case Name:

Mc Donald Thomas

v

The Queen

[GDAHCRAP2015/0009]

Date: Monday, 15th October 2018

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

Appearances:

Appellant:	Mr. Jerry Edwin
Respondent:	Mr. Howard Pinnock

Issue: Status of the matter

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

Result / Order & Reason: [Oral Delivery]
The transcript in this matter not being available, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February 2019.

Case Name: Desmond Fletcher
v
The Queen

[GDAHCRAP2015/0011]

Date: Monday, 15th October 2018

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

Appearances:

Appellant:	Mr. Anselm Clouden
Respondent:	Mr. Howard Pinnock

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order & Reason:	[Oral Delivery] The Court being advised that the transcript is unavailable and that the appellant pleaded guilty, the Registrar is directed to take the necessary steps to have the production of the transcript expedited with a view to having the appeal against sentence heard during the next sitting of the Court of Appeal in Grenada, commencing the week of 25th February 2019.

Case Name:	Alexander Clack v The Queen [GDAHCVAP2016/0004]
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Date:	Monday, 15th October 2018
Before:	The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:	
Appellant:	Mr. Anselm Clouden
Respondent:	Mr. Howard Pinnock

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Oral Judgment or Decision
Result / Order	[Oral Delivery]

& Reason:

1. Based on the application to have legal aid provided to the appellant and there being no objection thereto by the respondent, the State shall provide legal aid assistance to the appellant to prosecute its appeal.
2. The cost of the transcript shall be borne by the State.

Case Name:

**Akim Monah
v
The Queen**

[GDAHCRAP2014/0002]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

Ms. Sabina Gibbs

.

Respondent:

Mr. Howard Pinnock

Issue:

Status of the matter

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

Directions

**Result / Order
& Reason:**

[Oral Delivery]
This Court being advised by the Deputy Registrar of the High Court that the transcript in this matter is currently being typed/prepared and is to be proofread and the Court being of the view that given the guilty plea the transcript should not be lengthy), the parties shall, on receipt of this transcript, comply with the Civil Procedure Rules 2000.

Case Name:	Michael Aberdeen v The Queen [GDAHCRAP2014/0005]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	No appearance
Respondent:	Mr. Howard Pinnock, for the Director of Public Prosecution
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order & Reason:	[Oral Delivery] 1. The Registrar is directed to expedite the preparation of the transcript, especially given that the appellant pleaded guilty in the lower court. 2. The appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 25th February 2019

Case Name:	Dwayne Francis v The Queen [GDAHCRAP2014/0007]
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Date: Monday, 15th October 2018

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

Appearances:

Appellant: In person

Respondent: Mr. Howard Pinnock

Issue: Status of the matter

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

Result / Order: [Oral Delivery]

1. The Crown is to provide legal aid assistance to the benefit of the appellant at the Crown's expense.
2. The Crown is to pay for the preparation of the transcript
3. The Registrar is directed to take the necessary steps in order to expedite the preparation of the transcript.
4. The appeal is adjourned for status hearing for the consideration by this Court of Appeal during the next sitting of the Court commencing 25th February 2019.

Reason: Transcript is unavailable.

Case Name: Stephen Smith
v
The Queen

[GDVAHCRAP2014/0016]

Date: Monday, 15th October 2018

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

Appeal

Appearances:

Appellant: Mr. Anselm Clouden
Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:

Status of the matter

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

Directions

Result / Order:

[Oral Delivery]

1. The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February, 2019 in order to ascertain the status of the transcript.
2. The appellant is granted leave to file any other application during this time.

Case Name:

**Andy John
v
The Queen**

[GDAHCRAP2014/0008]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant: Mr. Benjamin Hood
Respondent: Mr. Howard Pinnock

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Adjournment
Result / Order & Reason:	[Oral Delivery] The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25 th February 2019.

Case Name:	Joseph Wilson v The Queen [GDAHCRAP2017/0012]
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Date:	Monday, 15th October 2018
Before:	The Hon. Mde Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	In person
Respondent:	Mr. Howard Pinnock

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Adjournment
Result/Order & Reason:	[Oral Delivery] The appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 25 th February 2019, to ascertain the

status of preparation of the transcript in this matter.

Case Name:

Raymond Beggs

v

The Queen

[GDAHCVAP2017/0014]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

Mr. George Prime

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:

Status of the matter

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

Directions

Result / Order:

[Oral Delivery]

- 1. This matter is to be adjourned for further consideration by the Full Court, to Thursday of this week.**
- 2. All submissions and record of appeal are to be filed on Wednesday of this week for the Full Court and for the Director of Public Prosecutions.**
- 3. The Registrar is to prepare and provide one copy of the appeal file and two copies of the notes in the lower court.**

Reason:

This matter is being transferred to the Full Court for its consideration.

Case Name: Dwayne Nigel Charles
v
The Queen
[GDAHCRAP2017/0013]

Date: Monday, 15th October 2018

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

Appearances:

Appellant:	Mr. Jerry Edwin
Respondent:	Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue: Status of the matter

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

Result / Order & Reason: The transcript being unavailable, the appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 25th February 2019, to ascertain the status of this matter.

Case Name: Sheldon Bain
v
The Queen
[GDAHCRAP2017/0011]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Benjamin Hood

Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue: Status of the matter

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

Result / Order: Upon the oral application by counsel for the appellant, leave to withdraw the appeal is granted and the appeal stands dismissed.

Reason: Application was made to withdraw the appeal, given that the sentence meted out to the appellant has been served.

Case Name: Winston Murray
v
The Queen

[GDAHCVRP2013/0003]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Anselm Clouden

Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order:	[Oral Delivery] 1. Legal aid is to be provided to the appellant to prosecute its appeal against the Crown. 2. The State is to bear the costs of the preparation of the transcript 3. The appeal is adjourned to the next sitting of the Court of Appeal in Grenada, during the week of 25th February 2019.
Reason:	The Court noted the impecuniosity of the appellant and the unavailability of the transcript.
Case Name:	Finton De Bourg v The Queen [GDAHCRAP2016/0027]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Messrs. Benjamin Hood and Jerry Edwin
Respondent:	Mr. Howard Pinnock, for the Director of Public Prosecutions
Issue:	Status of the matter

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

Adjournment

Result / Order
& Reason:

[Oral Delivery]
The transcript being unavailable, the appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 25th February 2019.

Case Name:

Molton Matthew
v
The Queen

[GDAHCRAP2016/0022]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

In person

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:

Status of the matter

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

Directions

Result / Order
& Reason:

[Oral Delivery]
1. The State is to provide legal aid assistance to enable the Appellant to prosecute the appeal.
2. The Registrar is directed to expedite the preparation of the transcript, especially given that the Appellant pleaded guilty in

the lower court.

3. The State shall bear the costs of the preparation of the transcript
4. The appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 25th February 2019.

Case Name:

**Elvis Lewis
v
The Queen
[GDAHCRAP2016/00021]**

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

No appearance

Respondents:

Mr. Howard Pinnock, for the Director of Public Prosecution

Issue:

Status of the matter

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

Directions

**Result / Order
& Reason:**

**[Oral Delivery]
This matter is to be taken off the Status Hearing list, as this matter is being heard before the Full Court.**

Case Name:

**Dannel Banaparte
v
The Queen**

[GDAHCRAP2016/0025]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mrs. Sabrita Khan-Ramdhani, with her Mr. Darshan Ramdhani

Respondents: Mr. Howard Pinnock

Issue: Status of the matter

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

Directions

**Result / Order
& Reason:**

[Oral Delivery]

1. The transcript being unavailable, the appeal is adjourned to the 25th February 2019 during the next sitting of the Court of Appeal in Grenada, to determine the status of the transcript.
2. The Registrar of the High Court is directed to take the necessary steps in order to expedite the preparation of the transcript in this matter, particularly bearing in mind that the appellant pleaded guilty to non-capital murder in the lower court and is only appealing against his sentence.

Case Name:

**Isaiah Jones
v
The Queen**

[GDAHCRAP2016/0024]

Date: Monday, 15th October 2018

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

Appearances:
Appellant: No appearance by Counsel
Appellant present

Respondent: Mr. Howard Pinnock

Issue: Status of the matter

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

Result / Order & Reason: [Oral Delivery]
1. The Registrar of the High Court is directed to take the necessary steps in order to expedite the preparation of the transcript in this matter, with a view to having the appeal heard at the next sitting of the Court of Appeal in Grenada, particularly bearing mind that the Appellant pleaded guilty in the lower court and is only appealing against its sentence.
2. This matter is listed for both trial and for status hearing.

Case Name: Leonard Benjamin
v
The Queen

[GDAHCRAP2016/0026]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Mr. Jerry Edwin
Respondent: Mr. Howard Pinnock

Issue:

Status of the matter

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

Directions

**Result / Order
& Reason:**

[Oral Delivery]

1. The Registrar of the High Court is directed to take the necessary steps in order to expedite the preparation of the transcript in this matter, with a view to having the appeal heard at the next sitting of the Court of Appeal in Grenada, particularly bearing mind that the Appellant pleaded guilty in the lower court and is only appealing against its sentence.
2. The hearing of the appeal is adjourned to the 25th February 2019 during the next sitting of the Court of Appeal in Grenada.

Case Name:

**Andy Andrew
v
The Queen**

[GDAHCRAP2016/0006]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant: No appearance by Counsel
Appellant present.
Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order & Reason:	[Oral Delivery] 1. The Court being advised that the transcript is unavailable and that the appellant pleaded guilty, the Registrar is directed to take the necessary steps to have the production of the transcript expedited for the next sitting of the Court of Appeal in Grenada, during the week commencing 25th February 2019. 2. The hearing of the appeal is adjourned for further consideration of the status of the transcript during the said week of 25th February 2019.

Case Name: **Nicholas Alexis**
v
The Queen
[GDAHCRAP2016/0008]

Date: **Monday, 15th October 2018**

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

Appearances:

Appellant:	Mr. Anselm Clouden
Respondent:	Mr. Howard Pinnock for the Director of Public Prosecutions

Issue: **Status of the matter**

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

Directions

Result / Order:

[Oral Delivery]

1. The appellant having indicated his willingness to pay for the expedited preparation of the transcript in this matter, the Registrar of the High Court is directed to facilitate the retention of the services of a stenographer at the appellant's expense.
2. The preparation of the transcript shall be expedited.
3. The hearing of the appeal is adjourned for further consideration of the status of the transcript at the next sitting of the Court of Appeal in Grenada, during the week commencing 25th February 2019.

Case Name:

Kevin Morris
v
The Queen

[GDAHCRAP2016/0023]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

No appearance by counsel on record, Mr. George Prime

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:

Status of the matter

Type of Oral
Result / Order

Directions

**Delivered
(if applicable):**

Result / Order:

[Oral delivery]

Noting the guilty plea made by the appellant in the lower court to the offence of murder:

- 1. The Registrar of the High Court is directed to take the necessary steps to have the production of the transcript expedited for the next sitting of the Court of Appeal in Grenada, commencing the week of 25th February 2019.**
- 2. The status hearing of the appeal is adjourned for further consideration at the next sitting of the court of Appeal in Grenada, commencing 25th February 2019.**

Reason:

Transcript not yet available but is not anticipated to be lengthy given the guilty plea.

Registrar informed the Court that the transcript in this matter is advanced and is to be proofread.

Case Name:

Gerald Hagley

v

The Queen

[GDAHCRAP2016/0010]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

Mrs. Sabrita Khan-Ramdhani, holding papers for Mr. Anselm Clouden

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecution

Issue:

Status of the matter

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

Adjournment

Result / Order
& Reason:

[Oral Delivery]
The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week of 25th February 2019, in order to ascertain the status of the transcript.

Case Name:

Alston Thomas
v
The Queen

[GDAHCRAP2016/0013]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

Appellant present

Respondent:

Mr. Howard Pinnock

Issue:

Status of the matter

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

Adjournment

Result / Order:

[Oral Delivery]
The appeal is adjourned for status hearing for the consideration by this Court at the next sitting of the Court of Appeal during the week commencing 25th February 2019.

Reason: Transcript is unavailable.

Case Name: Japeth Jeremiah
v
The Queen
[GDAHCRAP2016/0017]

Date: Monday, 15th October 2018

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

Appearances:
Appellant: Ms. Sabina Gibbs
Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue: Status of the matter

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

Result / Order & Reason: The transcript being unavailable, the appeal is adjourned for further consideration of the Court of appeal during its next sitting in Grenada during the week commencing 25th February, 2019 in order to ascertain the status of the transcript.

Case Name: Jude Lessey
v
The Queen
[GDAHCRAP2016/0015]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Sabina Gibbs, holding papers for Ciboney Chambers

Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue: Status of the matter

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

Result / Order & Reason: The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February 2019

Case Name: Kenny Cadoo
v
The Queen

[GDAHCRAP2016/0016]

Date: Monday, 15th October 2018

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

Appearances:

Appellant: Appellant present

Respondent: Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result/Order & Reason:	[Oral Delivery] The Court being cognisant of the appellant's guilty plea in the lower court: 1. The Registrar of the High Court is directed to take the necessary steps to have the production of the transcript expedited for the next sitting of the Court of Appeal in Grenada, commencing the week of 25th February 2019. 2. The status hearing of the appeal is adjourned for further consideration of the status of the transcript during the said week of 25th February 2019.
Case Name:	Godfrey John v The Queen [GDAHCRAP2016/0002]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Mr. Darshan Ramdhani with him Mrs. Sabrita Khan- Ramdhani
Respondent:	Mr. Howard Pinnock, for the Director of Public Prosecutions
Issue:	Status of the matter

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

Oral Judgment or Decision and Adjournment

Result / Order
& Reason:

[Oral Delivery]

1. The appeal is adjourned for further consideration of the matter by the Court at the next sitting of the Court of Appeal in Grenada during the week commencing 25th February, 2019.
2. The application for bail is denied for lack of proper procedure and because the length of time left to be served by the appellant in respect of his sentence is sufficiently lengthy.

Case Name:

Sherwin Shane Buckmire
v
The Queen

[GDAHCRAP2016/0003]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

Appellant present

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecutions.

Issue:

Status of the matter

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

Directions

Result / Order:

[Oral Delivery]

This matter being completed; the matter is struck

off the status hearing list.

Case Name:

**Akim Monah
v
The Queen**

[GDAHCRAP2016/0001]

Date:

Monday, 15th October 2018

Before:

The Hon. Mde Louise Esther Blenman, Justice of Appeal

Appearances:

Appellant:

No appearance

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:

Status of the matter

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

Directions

**Result / Order
& Reason:**

**[Oral Delivery]
The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal during its next sitting in Grenada during the week commencing 25th February, 2019**

Case Name:

**Paul Duncan
v
The Queen**

[GDAHCRAP2016/0014]

Date:	Monday, 15th October 2018
Before:	The Hon. Mde Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Mr. Darshan Ramdhanl, appearing amicus curiae
Respondent:	Mr. Howard Pinnock, for the Director of Public Prosecutions
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order & Reason:	[Oral Delivery] The transcript in this matter having been prepared, the appeal proceedings in accordance with the Civil Procedure Rules 2000.

Case Name:	Nigel Murray v The Queen [GDAHCRAP2016/0019]
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Date:	Monday, 15th October 2018
Before:	The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Ms. Sabina Gibbs holding papers for Mr. Anselm Clouden
Respondent:	Mr. Howard Pinnock, for the Director of Public Prosecutions
Issues:	Status of the matter

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

Directions

Result / Order:

[Oral Delivery]

1. The Registrar of the High Court is directed to take the necessary steps to have the production of the transcript expedited for the next sitting of the Court of Appeal in Grenada, commencing the week of 25th February 2019.
2. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 25th February 2019.

Reason:

Transcript unavailable.

Case Name:

Dixon Lewis
v
The Commissioner of Police

[GDAHCVAP2014/0010]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Present in person

Respondent:

Mr. Howard Pinnock, for the Director of Public Prosecutions

Issue:

Status of the matter

Type of Oral
Result / Order
Delivered

Adjournment

(if applicable):

**Result / Order
& Reason:**

[Oral Delivery]

The transcript being unavailable, the appeal is adjourned for further consideration of the Court of Appeal at its next sitting in Grenada during the week commencing 25th February 2019.

Reason:

Transcript unavailable.

Case Name:

Jones Alexander

V

Canisha Bolah

[GDAMCVAP2018/0002]

Date:

Monday, 15th October 2018

Before:

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

Appearances:

Appellant:

Mrs. Sabrita Khan-Ramdhani

Respondent:

No appearance

Issue:

Status of the matter

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

Directions

Result / Order:

[Oral Delivery]

1. Upon the Court being advised by the respondent that the child, the subject of this appeal is now deceased, this appeal is dismissed.

Reason:

The child, the subject of this maintenance appeal,

is now deceased.

Case Name:	Henry Paryag v Unicomer Grenada Ltd. [GDAMCVAP2018/0003]
Date:	Monday, 15th October 2018
Before:	The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:	
Appellant:	Mr. Anselm Clouden
Respondent:	Ms. Shereba Lewis
Issue:	Status of the matter
Type of Oral Result / Order Delivered (if applicable):	Directions
Result / Order & Reason:	[Oral Delivery] 1. Upon the appellant's application to withdraw the appeal and there being no objection thereto by the respondent, leave is granted to the appellant to withdraw the appeal. 2. Costs are awarded to the respondent in the sum of EC\$750.00.

APPLICATIONS AND APPEALS

Case Name:	Tevin Dominique v The Queen
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[GDAHCRAP2015/0004]

Consolidated with

Shaquain Horsford

v

The Queen

[GDAHCRAP2015/0012]

Consolidated with

Elvis Lewis

v

The Queen

[GDAHCVAP2018/0015]

Date:	Monday, 15th October 2018
Coram:	Hon. Mr. Davidson K. Baptiste, Justice of Appeal Hon. Mr. Mario Michel, Justice of Appeal Hon. Mde. Gertel Thom, Justice of Appeal
Appearances:	
Applicants/Appellants:	Ms. Sabina Gibbs for the 1st Applicant/Appellant Mr. Darshan Ramdhani with Mrs. Sabrita Khan Ramdhani for the 2nd and 3rd Applicants/Appellants
Respondent:	Mr. Brendon La Touche
Issues:	Application under section 71 of the Juvenile Justice Act to expunge the record of sentence of the 1st, 2nd and 3rd appellants – Whether the appellants were in juveniles at the time of the commission of the offence
Type of Oral Result / Order Delivered:	Directions
Result / Order:	[Oral delivery] 1. The appellants shall file and serve evidence of the application by Wednesday 17th, October 2018.

2. Leave is granted to the respondent to file and serve an affidavit in response on or before 9 a.m. on Thursday, 18th October 2018.
3. The hearing of the application is fixed for Friday, 19th October 2018.

Reason: Counsel for the appellants and respondent were given an opportunity to file supporting documents.

Case Name: **Kenton Grimes**
v
The Queen
[GDAHCRAP2014/0004]

Consolidated with

Todd Sylvester
v
The Queen
[GDAHCRAP2014/0009]

Date: Monday, 15th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:	Mr. Anselm Clouden
Respondent:	Mr. Howard Pinnock

Issues: Appeal against conviction and sentence – Rape and indecent assault

Type of Oral Result / Order **Adjournment**

Delivered:

Result /Order:

[Oral delivery]

The matter is adjourned to Friday, 19th October 2018 at 9:00 am.

Reason:

Both the Court and the Counsel required time to review the record which was served late on Monday, 15th October 2018.

Case Name:

Nigel Murray

v

The Queen

[GDAHCRAP2015/0008]

Date:

Monday, 15th October 2018

Coram:

Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:

Mr. Anselm Clouden

Respondent:

Mr. Howard Pinnock

Issues:

**Appeal against conviction and sentence –
Possession and trafficking of a controlled drug**

**Type of Oral
Result / Order
Delivered:**

Adjournment

Result /Order:

[Oral Delivery]

The matter is adjourned to Friday, 19th October 2018 at 9:00 am.

Case Name:

[1] Elizabeth Halley

[2] Maureen John

v

Devon Smith

[GDAHCVAP2018/0011]

Date: Monday, 15th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant: Ms. Cathisha Williams, Derick Sylvester and Associates

Respondent: Mrs. Celia Edwards, QC, with her Ms. Celene Edwards

Issues: Civil Appeal – Whether the learned judge erred in making his order of his own volition – Whether the learned judge failed to give the first appellant an opportunity to be heard in accordance with CPR 26. 2

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result /Order: [Oral Delivery]

1. The appeal against the order of the learned judge is allowed.
2. Costs to the 1st appellant is awarded in the sum of \$1,000.00
3. The Court directs that the fixed date claim filed on 23rd May 2017 be fixed for hearing expeditiously.

Reason: Having heard counsel on both sides on the appeal against the order of the learned judge made on 18th June 2018, we find that the learned judge erred in making the order that he did on his own volition, without giving to the first appellant the opportunity to be heard in accordance with Rule 26.2 of the Civil Procedure Rules 2000. On the basis of this error, we allow the appeal against the order of the learned judge and award

costs to the first appellant in the sum of \$1,000.00. The Court directs that the fixed date claim filed in this matter on 23rd May 2017 be fixed for hearing expeditiously.

Case Name:

**Paradis Ltd.
v
Jeremiah Salim**

[GDAHCVAP2018/0009]

Date:

Monday 15th, October 2018

Coram:

**Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal**

Appearances:

Applicant: Ms. Claudette Joseph

Respondent: Ms. Cathisha Williams

Issue:

Application for leave to appeal – Whether the learned master erred in refusing application to appoint an expert witness in accordance with Part 32 of the Civil Procedure Rules 2000

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result/Order:

**[Oral Delivery]
The application for leave to appeal is dismissed.**

Reason:

This is an appeal against the order of the learned master in which she refused an application to appoint an expert witness in accordance with Part 32 of the CPR. The applicant now seeks leave to appeal against that decision. In its submissions, the applicant states that the learned master erred in refusing the application mainly on the ground that the learned master failed to take into account

the overriding objectives of CPR.

We have reviewed the order of the learned master and we have considered the written and oral submissions of the applicants. We have taken into account the requirements for the grant of leave to appeal. In our view, the issue which was before the master as evidenced on the pleadings which were before her relate to a simple question of fact in relation to the terms of the contract that were agreed between the parties. We can find no reason in which to find that the learned master would have erred in the exercise of her discretion in considering the application. In our view, the applicant has failed to meet the requirements for the grant of leave to appeal as we see no realistic grounds of success. For those reasons, we will deny the application for the grant of leave.

Case Name:

[1] Anton Felix
[2] John Ranger aka. John Felix
[3] Maudlyn Alexander
[4] Kashel Alexander
v
George Williams

[GDAMCVAP2017/0003]

Date:

Monday, 15th October 2018

Coram:

Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellants:

Mrs. Brenda Wardally-Beaumont

Respondent:

Present in person

Issues:

Application for appeal to be deemed improperly filed due to failure to comply with Parts 6 and rules 62.7(a) and 62.13(4) of the Civil Procedure Rules 2000

Type of Oral
Result / Order
Delivered:

Oral Judgment or Decision

Result /Order
& Reason:

[Oral Delivery]

Upon application by Mr. George Williams filed on 20th September 2018 for dismissal of the appeal on the basis of lack of service of the Notice of Appeal on the respondent in accordance with part 62.7(1)(a) of the CPR:

IT IS HEREBY ORDERED THAT:

1. No evidence of the Notice of Appeal dated 12th September, 2017 having been served on the respondent and the appeal having not been progressed since the filing in 2017, the appeal is dismissed for want of prosecution.
2. No order is made as to costs in this matter.

Case Name:

Nichol Trevor Williams

v

[1] Raphael Sylvester

[2] John Ettienne

[GDAHCVAP2015/0018]

Date:

Monday, 15th October 2018

Coram:

Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:

In person

Respondents:

Ms. Dennies Burris

Issues:

Application to appeal to her Majesty in Council –
Application for extension of time to appeal

Type of Oral
Result / Order
Delivered:

Adjournment

Result /Order: [Oral Delivery]
The hearing of the appeal is adjourned to the week commencing 25th February 2018.

Reason: The respondents required time to respond to the appellant's submissions.

Case Name: Errol Sylvester John
v
The Queen

[GDAHCRAP2018/0005]

Date: Monday, 15th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:
Appellant: Present in person
Respondent: Ms. Crisan Greenidge

Issues: Appeal against sentence – Trafficking of a controlled drug – Possession of a controlled drug – Seven years and three months' imprisonment – Time spent on remand to be taken into consideration

Type of Oral Result / Order Delivered: Adjournment

Result /Order: [Oral Delivery]
The matter is adjourned to Friday, 19th October 2018 at 9:00 am.

Reason: The appellant was given an opportunity to retain counsel.

Case Name:

**Leroy Joseph
v
The Commissioner of Police
[GDAMCRAP2018/0016]**

Date:

Monday, 15th October 2018

Coram:

**Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal**

Appearances:

Appellant: In person

Respondent: Mr. Howard Pinnock, Senior Crown Counsel

Issues:

Appeal against sentence – Possession of and trafficking of a controlled drug to wit cannabis

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

**Result /
Order:**

**[Oral Delivery]
The appeal against sentence is accordingly dismissed and the sentence is affirmed.**

Reason:

The Magistrate gave good reasons why she imposed consecutive sentences. The Court could find no basis to upset the sentence imposed.

Case Name:

**Curtis Cyrus
v
The Commissioner of Police
[GDAMCRAP2018/0008]**

Date: Monday, 15th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant: Present in person

Respondent: Mr. Howard Pinnock, Senior Crown Counsel

Issues: Appeal against conviction – Stealing

Type of Oral Result / Order Delivered: Directions

Result / Order: [Oral Delivery]
The matter is adjourned to Friday, 19th October 2018.

Reason: The appellant was given time to obtain a lawyer.

Case Name: Nigel John
v
The Commissioner of Police
[GDAMCRAP2018/0017]

Date: Monday, 15th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant: Mr. George Prime holding papers for Mr. Arley Gill

Respondent: Mr. Howard Pinnock, Senior Crown Counsel

Issues: Appeal against conviction - Wounding

Type of Oral Result / Order Delivered:	Oral Decision
Result / Order:	[Oral Delivery] The appeal is allowed and the matter is remitted to the Magistrate.
Reason:	The appellant was at sea at the time of the hearing of the matter in the Magistrate's Court.
Case Name:	Dickon Mitchell v Rita Joseph-Olivetti [GDAHCVAP2014/0026]
Date:	Tuesday, 16 th October 2018
Coram:	Hon. Mde. Louise Esther Blenman, Justice of Appeal Hon. Mr. Mario Michel, Justice of Appeal Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:	
Appellant:	Mr. Fyad Hosein with him, Mr. Alban John and Ms. Alicia Lawrence
Respondent:	Mr. John Carrington, QC with him, Ms. Celene Edwards
Issues:	Whether the appellant was under a duty to account to the respondent – Whether the partnership between the deceased, Linda Grant and Rita Joseph-Olivetti continued after her death
Type of Oral Result / Order Delivered:	N/A
Result /Order:	[Oral Delivery] Matter to be stood down and resume at 11:00 am.

Reason: Parties were given an opportunity to resolve the issue.

Case Name: Joel Horsford
v
The Queen

[GDAHCRAP2018/0014]

Date: Tuesday, 16th October 2018

Coram: Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Dr. Francis Alexis, QC
Appellant present.

Respondent: Mr. Howard Pinnock, Senior Crown Counsel

Issues: Appeal against conviction – Stealing by reason of employment

Type of Oral Result / Order Delivered: Directions

Result /Order & Reason: [Oral Delivery]
Based on the application by Dr. Francis Alexis for an adjournment and for leave to file submissions:

1. The hearing of this appeal is adjourned to Thursday morning at 9:00 am.
2. The appellant is to file and serve written submissions together with authorities no later than Wednesday, 17th October 2018 at 9:00 a.m.
3. The appeal stands adjourned until Thursday, 18th October 2018 at 9:00 a.m.

Case Name:

**Keeno Taylor
v
The Commissioner of Police
[GDAMCRAP2018/0018]**

Date:

Tuesday, 16th October 2018

Coram:

**Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: In person

Respondent: Mr. Howard Pinnock

Issues:

Appeal against sentence – Trafficking of a dangerous drug – Four years imprisonment

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result /Order:

[Oral Delivery]

- 1. The appeal against sentence is allowed and the sentence of the learned magistrate is set aside.**
- 2. The appellant is sentenced to eighteen months' imprisonment.**

Reason:

The appellant was charged with and pleaded guilty to the offence of trafficking in a dangerous drug, cocaine. The amount of the drug involved was 1.2 kilograms. He pleaded guilty at the earliest opportunity and the learned magistrate imposed a sentence of four years' imprisonment. We have taken note of the procedure that the learned magistrate adopted in imposing the custodial sentence of four years. It is our considered view, which is shared by the prosecutor, that the starting point used by the

magistrate is high especially considering that the maximum sentence for the offence is seven years.

We also think that there is some element of double counting in the way that the learned magistrate assessed the amount of the sentence. In the circumstances, we think that we have a discretion to set aside the magistrate's sentence and to impose our own sentence. We have taken note of the case referred to by the prosecutor of Mahabir and Mitchell v Commissioner of Police GDAMCRAP2003/0006, where the amount of cocaine involved was ten kilograms which is significantly more than the amount involved in this case. The magistrate in the Mahabir case had imposed a fine and that fine was overturned by the Court of Appeal and sentences of two years and eighteen months, respectively were imposed on the appellants.

In this matter, we have taken note of the difference in the quantity but we are also mindful of the passage of time since the Mahabir case was decided and the fact that drugs have become so much of a scourge in the society. In all the circumstances, we will impose the sentence of eighteen months on the appellant.

Case Name:

Dickon Mitchell

v

Rita Joseph Olivetti

[GDAHCVAP2014/0026]

Date:

Tuesday, 16th October 2018

Coram:

Hon. Mde. Louise Esther Blenman, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant:

Mr. Fyad Hosein, SC with him Mr. Alban John and Ms. Alicia Lawrence

Respondent:	Mr. John Carrington, QC with him Ms. Celene Edwards
Issues:	Civil Appeal - Whether the appellant was under a duty to account to the respondent - Whether the partnership between the deceased Linda Grant and Rita Joseph Olivetti continued after her death
Type of Oral Result / Order Delivered:	N/A
Result /Order:	[Oral Delivery] Judgment is reserved.
Case Name:	Ronald De Allie v The Queen [GDAHCRAP2016/0005]
Date:	Wednesday, 17th October 2018
Coram:	Hon. Mr. Davidson K. Baptiste, Justice of Appeal Hon. Mde. Gertel Thom, Justice of Appeal Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:	
Appellant:	Ms. Sabina Gibbs
Respondent:	Mr. Howard Pinnock, Senior Crown Counsel
Issues:	Appeal against sentence – Murder – 29 years
Type of Oral Result / Order Delivered:	Directions
Result /Order:	[Oral Delivery] 1. The appellant is to file and serve skeleton submissions and authorities on or before the

17th November 2018.

2. The respondent is to file and serve skeleton submissions and authorities on or before 17th December 2018.
3. The hearing of the appeal is traversed to the next sitting of the Court of Appeal in Grenada during the week commencing 25th February 2019.

Reason:

Parties recently received the transcript and time was requested to put in submissions.

Case Name:

Curtis Cyrus
v
The Commissioner of Police

[GDAMCRAP2018/0007]

Date:

Wednesday, 17th October 2018

Coram:

Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Howard Pinnock

Issues:

Appeal against conviction and sentence –
Causing a ferocious dog to be at large – Causing harm – Fine of \$24.00 to be paid in one month in default two months in prison - Causing harm – Fine of \$1,000.00 – Compensation of \$1,000.00 to be paid in one month in default six months' imprisonment

**Type of Oral
Result / Order
Delivered:**

Adjournment

Result /Order:

[Oral Delivery]
The matter is adjourned to Friday, 19th October

2018.

Reason: The appellant was absent.

Case Name: Sheldon Bain
v
The Queen
[GDAHCRAP2016/0007]

Date: Wednesday, 17th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Cajeton Hood with him Mr. Benjamin Hood
Appellant present
Respondent: Mr. Christopher Nelson, QC with him Ms. Crisan
Greenidge

Issues: Appeal against conviction and sentence – Joint
enterprise – Whether the sentence is manifestly
excessive – Non-capital murder

**Type of Oral
Result / Order
Delivered:** N/A

Result /Order: The decision is reserved.

Case Name: Joel Horsford
v
The Queen
[GDAHCRAP2015/0014]

Date: Thursday, 18th October 2018

Coram: Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant:	Mr. Francis Alexis, QC Appellant present
Respondent:	Mr. Howard Pinnock

Issues: Appeal against conviction – Stealing by reason of employment

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result /Order: [Oral Delivery]

1. The sentence of the learned judge with respect to the compensation order in the sum of \$122,999.00 is quashed.
2. The sentence of the learned judge with respect to the three-year prison sentence is affirmed.

Reason:

This is an appeal by the appellant against the compensation order of the learned trial judge in circumstances where the learned judge imposed a sentence of three years' imprisonment on the appellant together with a compensation order for the sum of \$122,999.00. The Learned Judge ordered that the appellant was to pay that sum in compensation within three years of completion of his sentence and in default of that compensation order the appellant was to serve another three years in prison.

The appellant has appealed solely against the order for compensation on the basis that it was unreasonable, harsh and oppressive in that the sum exceeds the total sum which was the subject of the offence and particularly in circumstances where the appellant had pleaded guilty and was

sentenced to three years in prison which he has served.

We have heard the submissions from learned Queen's Counsel Dr. Alexis and the very helpful submissions of learned Senior Crown Counsel Mr. Pinnock. We are unanimous view that the appeal against the compensation order should be allowed. We are of the view that the learned judge failed to carry out any means test in order to determine the ability or otherwise of the appellant to pay any sums of compensation. We also take into account that the compensation order was to take effect within three years after the appellant would have completed his sentence. We are of the view that the aspect of compensation is unreasonable, harsh and oppressive. We are of the view that in the circumstances that aspect of the order ought to be quashed and that the sentence of three years' imprisonment was just in all the circumstances.

Case Name:

Kimani Telesford

v

The Queen

[GDAHCRAP2017/0008]

Date:

Thursday, 18th October 2018

Coram:

Hon. Mde. Louise Esther Blenman, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant:

Mr. Ruggles Ferguson

Respondent:

Mr. Howard Pinnock, Senior Crown Counsel

Issues:

Appeal against conviction – Unlawful carnal knowledge

Type of Oral
Result / Order
Delivered:

Adjournment

Result /Order:

[Oral Delivery]

This appeal stands adjourned and is traversed to the next sitting of the Court of Appeal in Grenada during the week which commences 25th February 2019.

Reason

The Court notes that the parties sought an adjournment based on the letter of indication that was jointly signed by learned counsel for the appellant and the learned prosecutor which indicated the inability of counsel due to constraints beyond their personal control, to be able to provide the Court with submissions.

The Court also takes into account the fact that the Court received submissions from the respondent literally ten minutes ago this morning and was therefore unable to even have a look at those submissions. For those reasons, the hearing of this appeal stands adjourned and is traversed to the next sitting of the Court in Grenada during the week which commences 25th February 2019.

Case Name:

Raymond Beggs

v

The Queen

[GDAHCRAP2017/0014]

Date:

Thursday, 18th October 2018

Coram:

Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant:

Mr. George Prime

Respondent:

Mr. Howard Pinnock, Senior Crown Counsel

Issues:

Leave to appeal against conviction and sentence – Defrauding the National Insurance Scheme of the sum of \$163,207.85 by false pretense – sentenced to two years and one month in prison compensation in the sum of \$163,207.85 to be paid within five years beginning five months after release from prison in default three years' imprisonment liberty to apply in relation to the compensation order – Application for bail

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result /Order:

[Oral Delivery]

- 1. The appellant Raymond Beggs is granted bail pending the hearing of the appeal.**
- 2. Bail shall be set in the amount of \$100,000.00 with two (2) suitable sureties.**

Reason:

The Court has considered the application made by learned counsel for the appellant. Given the short period of sentence remaining that there is a real risk that the appellant will serve out his sentence in full before his appeal can be heard in those circumstances, we consider that it is just that the appellant be granted bail pending the appeal.

We note too that this application is not being opposed by learned counsel for the respondent and we therefore make an order that the appellant Raymond Beggs be granted bail pending the hearing of his appeal bail shall be set in the amount of \$100,000.00 with two suitable sureties.

Case Name:

Andy John

v

The Commissioner of Police

[GDAMCRAP2016/0013]

Date: Thursday, 18th October 2018

Coram: Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Howard Pinnock, Senior Crown Counsel

Issues: Appeal against sentence – Trafficking Cannabis

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result /Order: [Oral Delivery]

1. The Court rejects the appellant's application for leave to appeal his conviction.
2. The appellant withdrew his application for leave to appeal against his sentence. The appellant having withdrawn his appeal against sentence, the sentence of the learned Magistrate of \$50,000.00 is affirmed and it is varied only to the extent that the appellant is granted leave to pay the \$50,000.00 on or before 18th October 2019.
3. In default of the payment of that sum two (2) years in prison.
4. The conviction and sentence of the learned Magistrate is affirmed.

Reason: Based on everything that has been said, taking into account the reasons for decision of the Magistrate, we are of the view that the appeal against the conviction ought to be dismissed and the conviction is affirmed. The appellant quite wisely having withdrawn his appeal against sentence, the sentence of the learned magistrate of \$50,000.00 is affirmed and it is varied only to the extent that the appellant is granted leave to pay the \$50,000.00 on or before 18th October 2019. In default of the payment of that sum two (2) years in prison.

Case Name:

**Isaiah Jones
v
The Commissioner of Police
[GDAMCRAP2018/0019]**

Date:

Thursday, 18th October 2018

Coram:

**Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant:

In person

Respondent:

Mr. Howard Pinnock, Senior Crown Counsel

Issues:

**Appeal against sentence – Grievous Harm –
Sentence of two years' imprisonment to run
consecutively to the sentence being served.**

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result /Order:

[Oral Delivery]

- 1st The appeal against sentence is dismissed.**
- 2nd The sentence of two (2) years to run
consecutively with the sentence being
served by the appellant is affirmed.**

Reason:

The Court is of the unanimous view that the sentence of two (2) years imprisonment that was imposed on the appellant to run consecutively with the sentence he was serving is not excessive, bearing in mind that the appellant committed this offence while he was already in custody in Her Majesty's prison serving another sentence. Accordingly, his appeal against sentence is dismissed and the sentence of two (2)

years to run consecutively with the sentence he is serving is affirmed.

Case Name:

**Janet Lucas
v
Queen Anne Gill**

[GDAMCVAP2018/0001]

Date:

Thursday, 18th October 2018

Coram:

**Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant:

Mr. Henry Paryag

Respondents:

Ms. Afi Ventour de Vega with her Ms. Yurana Phillip

Issues:

**Civil Appeal – Breach of a tenancy agreement –
Monies due and owing**

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

**Result /Order
& Reason:**

[Oral Delivery]

- 1. By consent the appeal is withdrawn with the leave of the Court.**
- 2. It is further ordered by consent that the appellant shall pay the sum of \$250.00 per month commencing on 1st December 2018 in satisfaction of the judgment sum of \$9,541.15 and bearing in mind that the appellant has already paid the sum of \$500.00 towards the judgment debt.**
- 3. No order as to costs.**

Case Name:

Mahendranaught Dass

v

The Queen

[GDAHCRAP2017/0024]

Consolidated with

Colin Hooper

v

The Queen

[GDAHCRAP2017/0025]

Consolidated with

Osafi Bobb

v

The Queen

[GDAHCRAP2017/0027]

Date:

Thursday, 18th October 2018

Coram:

Hon. Mde. Louise Esther Blenman, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellants:

Mr. George Prime

Appellants present

Respondent:

Mr. Howard Pinnock, Senior Crown Counsel

Issues:

Appeal against sentence – Trafficking in a controlled drug – Possession of equipment for the preparation of misuse of drugs – Possession of a firearm – Whether the sentence imposed by the learned trial judge was excessive in all the circumstances

Type of Oral
Result / Order
Delivered:

Oral Judgment or Decision

Result /Order:

[Oral Delivery]
This is the order of the Court:

Mahendranaught Dass

1. In respect of the conviction for trafficking, the appeal on sentence is allowed. The sentence of six years and nine months is varied to two years and six months.
2. In respect of the sentence for the equipment for the preparation for the misuse of drugs the sentence of four years is set aside and replaced with the sentence of two years' imprisonment.
3. In respect of possession of 1.033 kilos of cocaine, the sentence of two (2) years is affirmed.
4. In respect of the firearm the sentence of four years is set aside and the appellant is sentenced to three years' imprisonment.
5. All four sentences to run concurrently.

Collin Hooper

1. In respect of the offence of trafficking in cocaine the sentence of eight years imposed by the learned judge is set aside and the appellant is sentenced to three years' imprisonment.
2. In respect of the offence of possession of a firearm, the sentence of four years is set aside and the appellant is sentenced to three years' imprisonment.
3. In respect of doing an act preparatory to exporting cocaine the sentence of two years is affirmed.
4. In respect of count four possession of equipment for the preparation of misuse of drugs the original sentence is set aside and the appellant is now sentenced to two years' imprisonment on that charge.
5. All four sentences to run concurrently.

Osafi Bobb

1. For the offence of trafficking in cocaine, the sentence of six years and nine months is set aside and the appellant is sentenced to two years and six months in prison.

2. In respect of count four possession of equipment for the preparation of misuse of drugs the sentence of five (5) years imprisonment is set aside and the appellant is sentenced to two years' imprisonment on that charge.
3. For possession of a firearm the sentence imposed by the learned Judge of four years is set aside and the appellant is sentenced to three years' imprisonment.
4. All three sentences to run concurrently.

Reason:

The appellants in this matter were involved in a sophisticated operation involving the packaging of cocaine in chocolate bars for export. They were charged with various offences and on 6th December 2016 entered the following guilty pleas. They pleaded guilty to trafficking in a controlled drug to wit 1.234 kilos of cocaine; possession of equipment for the preparation of the misuse of a control drug; possession of a firearm to wit a linear meter pistol and the fourth applicant Mahendranaught Dass pleaded guilty to possession of 1.033 kilos of cocaine.

The learned judge heard submissions from the prosecutor and heard from the appellants and he imposed the following sentences. In respect of Mr. Dass, on count 2 which is trafficking in cocaine, he was sentenced to six years and nine months' imprisonment. In respect of count 4 which is possession of equipment for the preparation of the misuse of a controlled drug he was sentenced to four (4) years. In relation to count 10 which is possession of 1.033 kilos of cocaine he was sentenced to two (2) years all sentences to run concurrently. Mr. Collin Hooper in respect of the trafficking charge was sentenced to eight (8) years he being found by the learned judge to be the ring leader of the operation. In respect of the charge for the possession of equipment for the preparation of the misuse of the drug he received five years and eight months. In relation to count 5 the firearm four years' imprisonment and in relation to taking steps preparatory he received two (2) years imprisonment. All sentences to run concurrently. In respect of Mr. Bobb six years and nine months for the trafficking in cocaine in respect of equipment he received five years and

eight months and in respect of the firearm he received four years all to run concurrently.

The appellants have appealed against these sentences and the main ground of appeal is that the sentences in principle were excessive and were manifestly excessive having regard to decided cases in the region.

We have listened to submissions from counsel for the appellants and Mr. Pinnock for the respondent and we have made certain findings in respect of all of the accused. We have taken into consideration that they were involved in a sophisticated operation which was geared towards profit. The operation involved cocaine which is by itself a serious drug and a very serious offence in the entire Caribbean. We have taken into account the seriousness of the offence and the effects of the offence and the people of the Eastern Caribbean and elsewhere. In terms of mitigating circumstances all the appellants pleaded guilty and there is no record of them having previous convictions. We also take note that Mr. Dass has been making attempts to reform himself in prison. We have looked at comparable cases in the Eastern Caribbean. The case of *Chanderballi Mahabir v The Commissioner of Police* GDAHCRAP2003/0006. Judgment was delivered by Justice of Appeal Alleyne. The amount involved was 10 kilos of cocaine. The appellant pleaded guilty to the offence of possession of the drugs. The Court of Appeal sentenced him to 18 months' imprisonment. Mr. Mahabir was sentenced to two years' imprisonment and the other appellant 18 months' imprisonment. Just this week we looked at the case of *Keeno Taylor v The Commissioner of Police*. He pleaded guilty to having in his possession just over 1 kilogram of cocaine. He was found in possession at the airport. He pleaded guilty and we reduced his sentence to 18 months imprisonment. Our case is more important than the Keeno Taylor case mainly because what was in operation was a sophisticated operation where a house in Grenada was virtually turned into a cocaine factory. Having regard to all the aggravating and mitigating circumstances in this case, I will deal with the individual appellants. In this case the amount of

cocaine that was found in possession of the appellants was just over 2 kilograms.

In respect of the trafficking offences for the person who the judge found to be the ringleader, his sentence is going to be three years (Collin Hooper) and in respect of the other two appellants two and a half years. In respect of the firearms that sentence will be reduced to three years in respect of all three appellants. In respect of the equipment offence the sentence will be two years and in respect of the first appellant Mr. Dass the sentence will be two years.

Case Name:

**Indra Williams
v
Casepak Company (Grenada) Ltd
(Trading as Calabash Hotel)**

[GDAHCVAP2018/0008]

Date:

Thursday, 18th October 2018

Coram:

**Hon. Mde. Louise Esther Blenman, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant:

Mr. Ruggles Ferguson

Respondent:

Ms. Skeeta Chitan, with her Mr. Dickon Mitchell

Issues:

**Civil Appeal - Employment Law – Unfair dismissal
– Right of access to the High Court – Whether an
employee can initiate an unfair dismissal claim for
damages in the High Court – Part 9.7 of the Civil
Procedure Rules 2000**

**Type of Oral
Result / Order
Delivered:**

N/A

Result /Order:	[Oral Delivery] The decision is reserved.
Case Name:	Kenston Grimes v The Queen [GDAHCRAP2014/0004] Consolidated with Todd Sylvester v The Queen [GDAHCRAP2014/0009]
Date:	Friday, 19th October 2018
Coram:	Hon. Mr. Davidson K. Baptiste, Justice of Appeal Hon. Mr. Mario Michel, Justice of Appeal Hon. Mde. Gertel Thom, Justice of Appeal
Appearances:	
Appellant:	Mr. Anselm Clouden Appellants present
Respondent:	Mr. Howard Pinnock
Issues:	Appeal against conviction and sentence – Rape and indecent assault
Type of Oral Result / Order Delivered:	Oral Judgment or Decision
Result /Order:	[Oral delivery] The appeal against conviction having been withdrawn is accordingly dismissed.
Reason:	The Court having heard learned counsel Mr. Clouden for the appellants and Mr. Pinnock, leave

is granted to the appellants to withdraw the appeal for conviction of the offences of rape and indecent assault.

Case Name:

Curtis Cyrus

v

The Queen

[GDAMCRAP2018/0008]

Date:

Friday, 19th October 2018

Coram:

Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:

Mr. Benjamin Hood appearing amicus for Curtis Cyrus

Respondent:

Mr. Howard Pinnock, Senior Crown Counsel

Issues:

Appeal against conviction – Stealing

**Type of Oral
Result / Order**

Oral Judgment or Decision

**Delivered:
Result /Order:**

[Oral Delivery]

- 1. The Court will allow the appeal.**
- 2. The conviction is quashed and the sentence is set aside.**

Reason:

The Court having heard learned counsel Mr. Hood for the appellant and Mr. Pinnock for the respondent and the Court having noted the long delay in the record of appeal being prepared this matter and the Court noting that even after a period of nine years there is no reason for the decision of the Magistrate, having regard to the concessions of the Crown, the Court will allow the appeal and set aside the conviction and sentence. The appeal is allowed. The conviction quashed and the sentence set aside.

Case Name:

**Curtis Cyrus
v
The Commissioner of Police**

[GDAMCRAP2018/0007]

Date:

Friday, 19th October 2018

Coram:

**Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal**

Appearances:

Appellant: Mr. Benjamin Hood appearing amicus for the appellant

Respondent: Mr. Howard Pinnock, Senior Crown Counsel

Issues:

**Appeal against conviction and sentence –
Causing a ferocious dog to be at large – Causing
harm – Fine of \$24.00 to be paid in one month in
default two months in prison - Causing harm –
Fine of \$1,000.00 – Compensation of \$1,000.00 to
be paid in one month in default six months’
imprisonment**

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result /Order:

**[Oral Delivery]
1. The appeal is allowed.
2. The conviction is quashed and the sentence
is set aside.**

Reason:

**The Court having heard Mr. Hood and Mr. Pinnock
and the Court having considered the record of
appeal and the time that has elapsed and no
reasons having been provided by the Magistrate,
in view of the concessions made by the Crown,
the Court will allow the appeal and quash the
conviction and set aside the sentence.**

Case Name:

Nigel Murray

v

The Queen

[GDAHCRAP2015/0008]

Date:

Friday, 19th October 2018

Coram:

Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Hon. Mr. Mario Michel, Justice of Appeal

Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:

Mr. Anselm Clouden

Respondent:

Mr. Howard Pinnock

Issues:

**Appeal against conviction and sentence –
Possession and trafficking of a controlled drug**

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result /Order:

[Oral Delivery]

- 1. Bail is granted in the sum of \$10,000.00 with two sureties.**
- 2. The appellant shall report to the central police station every Monday between 7 a.m. and 7 p.m. until the hearing and determination of the appeal.**
- 3. The appellant shall surrender all travel documents to the Registrar of the Supreme Court.**
- 4. This order applies to appeals No. 8 of 2015 and 19 of 2016.**

Case Name:

Errol Sylvester John

v

The Queen

[GDAHCRAP2018/0005]

Date: Friday, 19th October 2018

Coram: Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal

Appellant: In person

Respondent: Ms. Crisan Greenidge

Issues: Appeal against sentence – Trafficking of a controlled drug – Possession of a controlled drug – Seven years and three months’ imprisonment – Time spent on remand to be taken into consideration

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result/Order: [Oral Delivery]
1. The appeal against sentence is dismissed
2. The sentence of the Judge is affirmed.

Reason: Mr. John has appealed against his sentence in this matter on the 26th January 2018. you having been convicted and sentenced to seven years and three months in prison for trafficking in a controlled drug. The grounds which you have given for your appeal are essentially that the sentence is manifestly excessive taking into consideration that on the 31st May 2018 you pleaded guilty to the offence of trafficking as instructed by your Attorney. This is your appeal ground against sentence. The other reason you have there relates to you and your Attorney and you’ve agreed that what you want to pursue is the appeal against the severity of your sentence. We have listened to you more importantly, we have also looked at the reasons given by the Judge for the sentence imposed and we find that the Judge did not make any error in principle the sentence imposed by the Judge was not out of range of sentences imposed for offences of the nature of

which you were convicted. We look in particular at your previous convictions and note that when you have been convicted for the same offense in the past and you were given like sentences you came back to the court again. We find no basis at all to interfere with the sentence imposed by the Judge we therefore dismiss your appeal against sentence and affirm the sentence of the Judge.

Case Name:

**Tevin Dominique
v
The Queen
[GDAHCRAP2015/0004]**

**Shaquain Horsford
v
The Queen
[GDAHCRAP2015/0012]**

**Elvis Lewis
v
The Queen
[GDAHCRAP2015/0015]**

CONSOLIDATED

Date:

Friday, 19th October 2018

Coram:

**Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Hon. Mr. Mario Michel, Justice of Appeal
Hon. Mde. Gertel Thom, Justice of Appeal**

Appearances:

Appellants:

**Ms. Sabina Gibbs for the 1st Appellant
Mr. Darshan Ramdhani for the 2nd and 3rd
Appellants**

Respondent:

Mr. Howard Pinnock, Senior Crown Counsel

Issues:	Application under section 71 of the Juvenile Justice Act to expunge the record of sentence of the 1 st , 2 nd and 3 rd appellants – Whether the appellants were in juveniles at the time of the commission of the offence
Type of Oral Result / Order Delivered:	Oral Judgment or Decision
Result/Order:	[Oral Delivery] 1. The application made by the first applicant under the Juvenile Justice Act is withdrawn and accordingly dismissed. 2. The convictions of the second and third appellants in respect of the conviction for unlawful carnal knowledge made against the 2nd and 3rd appellants on the 15th June 2015 are expunged.
Reason:	In terms of the application on behalf of the first applicant, based on the information now provided to the court via the birth certificate of the first appellant, the application made by the first applicant under the Juvenile Justice Act is withdrawn and accordingly dismissed. We have read the submissions made on behalf of the 2nd and 3rd appellants by counsel Mr. Ramdhani. We've read the submissions in response by Mr. Pinnock of the Office of the DPP. We have looked at the Juvenile Justice Act section 71(2) in particular. We have also looked at the affidavit evidence presented to this Court and we are of the view that the circumstances of this case justify the expunction from the record of the convictions of the second and third appellant in respect of the conviction for unlawful carnal knowledge made against the 2nd and 3rd appellants on 15th June 2015 are accordingly expunged. There are previous convictions of the third appellant and these will be the subject of a separate application.