

CHAMBER HEARING

July 2018

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Gertel Thom, Justice of Appeal

Case Name: Mr. Rocklyn Maynard
v
1. Attorney General of Anguilla
2. Mr. Jason HodgeThe Commissioner of Police

[AXAHCVAP2018/0009]
(Anguilla)

Date: Tuesday, 31st July 2018

On paper: Applicant: Mr. Devin Hodge of Astaphan's Chambers

Issue: Stay of Execution pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the notice of application for a stay on the respondents within 14 days of this order, together with a copy of this order.
2. The applicant shall furnish this Court with proof of service within 21 days of this order.
3. The application is adjourned for further consideration at the next Chamber Hearing which is scheduled for 25th September 2018.

Reason: The Court noted there is no evidence of service of the notice of application for stay of execution and supporting documents on the respondent.

Case Name: Jenny Lindsay
v
1. Webster Dyrud Mitchell (A Partnership)
[AXAHCVAP2017/0002]
(Anguilla)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Ms. Rayana Dowden

Issue: Extension of time to file skeleton arguments

Result / Order: IT IS HEREBY ORDERED THAT:
1. The appellant shall serve the submissions filed on 30th July 2018 on the respondent within 14 days of the date of this order.
2. The hearing of the application is adjourned to the next chamber hearing scheduled for 25th September 2018

Reasons: The Court noted that there is no proof of service of the appellants' submission in opposition.

Case Name: Yida Zhang

v
Lux Locations Ltd.

[ANUHCVP2018/0013]
(Antigua and Barbuda)

Date: **Tuesday, 31st July 2018**

On paper:
Applicant: **Dr. David Dorsett**

Issues: **Leave to appeal – Stay of proceedings**

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

The application for leave to appeal the order of Wilkinson J dated 19th April 2018 and for a stay of execution of the said order is set for hearing before the Full Court at the sitting of the Court of Appeal in Antigua during the week commencing 26th November 2018.

Case Name: **Dr José Humphreys**
v
The Medical Council

[ANUHCVP2017/0002]
(Antigua and Barbuda)

Date: **Tuesday, 31st July 2018**

On paper:
Applicant : **Ms. C. Debra Burnette with her, Ms. E Ann Henry**

Issue: **Strike out notice of appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application to strike out the notice of appeal filed by the appellant on 1st February 2017 is set down for hearing at the next sitting of the Full Court in the State of Antigua and Barbuda during the week commencing 26th November 2018.
2. The Registrar of the High Court shall cause the transcript in this appeal to be prepared with due expedition and the parties notified accordingly.
3. Thereafter the appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Case Name:

Campbell Coates

v

Tarin Winter

[ANUHCVP2017/0027]

(Antigua and Barbuda)

Date:

Tuesday, 31st July 2018

On paper:

Applicant:

Ms. Michelle G. Sterling

Issues:

Stay of Proceedings

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for a stay of execution is granted.
2. There is no order as to costs.

Reason:

The Court was satisfied that there would be a real risk of injustice if a stay is refused.

Case Name:

**George Rick James
v
Hon. Gaston Browne et al**

**[ANUHCVP2016/0015]
(Antigua and Barbuda)**

Date:

Tuesday, 31st July 2018

On paper:

Applicant: Ms. Alicia Aska

Issue:

Extension of time to file a response, submissions and relief from sanctions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Attorney General's Chambers shall serve a copy of the notice of application for an extension of time on the appellant within 14 days of this order, together with a copy of this order.**
- 2. The applicant shall furnish this Court with proof of service within 21 days of this order.**
- 3. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 25th September 2018.**

Case Name:

**Shelton Hunte
v
The Queen**

**[ANUHCRA2018/004]
(Antigua and Barbuda)**

Date: Thursday, 2nd August 2018

On paper:
Applicant: In person

Issue: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal against conviction and sentence is granted.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Case Name: Joel Kwame Seraphin
v
The Queen
[ANUHCRA2018/0006]
(Antigua and Barbuda)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal is granted.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.

3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.

Case Name:

**Nelisa Spencer
v
James Herbert**

**[ANUHCVAP2016/0003]
(Antigua and Barbuda)**

Date:

Tuesday, 31st July 2018

On paper:

Applicant: Ms. Nelisa Spencer

Issue:

Appeal be deemed part-heard – Mater be re-opened and determined on paper

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide affidavit evidence in support of the application within 14 days of the date of this order.
2. The applicant shall provide proof of service of the application and affidavit in support within 21 days of the date of this order.

Reason:

Court noted that there is no evidence in support of the notice of application nor proof of service of the application on the Respondent.

Case Name:

**St. James Club
v
Sundry Workers**

**[ANULTAP2018/0005]
(Antigua and Barbuda)**

Date:

Tuesday, 31st July 2018

On paper:

Applicant:

Mrs. Stacey-Ann Saunders-Osborne

Issue:

Leave to appeal – Stay of proceedings

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal is adjourned for hearing by the Full Court at its next sitting in Antigua and Barbuda during the week commencing 26th November 2018.**
- 2. The proceedings in the Industrial Court are stayed pending the hearing and determination of the application for leave to appeal.**

Reason:

The Court being of the view that without a stay of proceedings an appeal will be rendered nugatory.

Case Name:

**Eliza Elfreida Paul
v
Raynard Paul**

**[ANUHCVP2018/0018]
(Antigua and Barbuda)**

Date:

Tuesday, 31st July 2018

On paper:

Applicant: Mr. Charlesworth C.M. Tabor

Issues: Extension of time to apply for leave to appeal – Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve the application for extension of time to apply for leave to appeal on the respondent and shall furnish proof of service of that application within 21 days of the date of this order.
2. The notice of application for extension of time to apply for leave to appeal and for leave to appeal is adjourned for further consideration at the next chamber hearing sitting of this Court scheduled for 25th September 2018.

Reason: The Court noted that there was no evidence of service of the notice of application for extension of time to apply for leave to appeal on the respondent.

Case Name: Paul Chet Green
v
Omari Samuel et al
[ANUHCVP2018/0019]
(Antigua and Barbuda)

Date: Tuesday, 31st July 2018

On paper: **Applicant:** Mr. Hugh C. Marshall

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The applicant is directed to file an application for an extension of time for leave to appeal the decision of

Master Jan Drysdale dated 11th May 2018.

Reason: The notice of application for leave to appeal has been filed out of time and that there is no application for an extension of time before the Court

Case Name: Rose Marie Kelly et al
Trevor D. Jones
v
Anne Spivey (as Representative of the Estate of Merle Henry)
Anne Spivey (as Personal Representative of the Estate of Audrey Nicholls)
[ANUHCVP2016/0021]
(Antigua and Barbuda)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Ms. Leslie-Ann A. Brissett

Issue: Counsel be removed from the record

Result / Order: IT IS HEREBY ORDERED THAT:
1. Ms. Leslie-Ann Brissett is to comply with rule 63.6(2) and (3) of the Civil Procedure Rules 2000.
2. The notice of application to be removed from the record as the legal practitioner for the appellants is adjourned for further consideration at the next chamber sitting of this Court scheduled for 25th September 2018.

Reason: There has been no compliance with rule 63.6(2) and (3) of the Civil Procedure Rules 2000 which provides that an application for legal practitioner to be removed from the record must be on notice to the client or former client and to all other parties and must be supported by

evidence on affidavit which must be served on the client but must not be served on any other party to the proceedings;

Case Name: Antigua Commercial Bank
v
Mary E. Prophet
[ANULTAP2018/0006]
(Antigua and Barbuda)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Ms. Safiya Roberts

Issue: Stay of Execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall provide proof of service on the Respondent of the submissions and the supplemental affidavit together with the supporting documents to the Chief Registrar within 21 days of the date of this order.
2. The notice of application for a stay of execution of the order of the Industrial Court dated 9th May 2018 pending the determination of the appeal is set for consideration at the next chamber hearing scheduled for 25th September 2018.

Case Name: Al Motors Ltd.

v
SM Rentals et al

[DOMHCVAP2018/0007]
(Commonwealth of Dominica)

Date: **Tuesday, 31st July 2018**

On paper:

Applicant: **Ms. Carla Shillingford**

Issues: **Extension of time to file notice of appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall serve the application for extension of time to file notice of appeal on the respondent and shall furnish proof of service of the application within 21 days of the date of this order.**
- 2. The application is adjourned for further consideration at the next chamber hearing scheduled for 25th September 2018.**

Reason: **The Court noted that there was no evidence of service of the notice of application on the respondent.**

Case Name:

Kendy O'Brien

v

The State

[DOMHCRAP2017/0022]
(Commonwealth of Dominica)

Date: **Thursday, 2nd August 2018**

On paper:

Applicant: **In person**

Issue: **Leave to appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal is granted.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.
3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.

Case Name:

1. The Attorney General
2. The Prime Minister
3. The Commissioner of Police
4. The Police Service Commission

v

Gildon Richards

**[DOMHCVAP2018/0002]
(Commonwealth of Dominica)**

Date:

Tuesday, 31st July 2018

On paper:

Applicant:

Mr. Anthony W. Astaphan, SC with him, Ms. Tameka Burton and Ms. JoAnne Xavier Cuffy

Issue:

Stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

The applicants are granted a stay of execution of the judgment of Stephenson J dated 26th February 2018, pending the appeal against the judgment.

Reasons:

The applicant met the threshold for the grant of stay of execution.

Case Name:

1. Philomen Nixon

2. Annette Turney

v

1. Joseph Nixon aka Paswoe

**2. Jason Nixon (In his personal capacity as the
Personal Representative of the Estate of Giraud
Nixon)**

**3. Stever Nixon (In her personal capacity and as the
Personal Representative of the Estate of Giraud
Nixon)**

4. Johnnie Nixon

[DOMHCVAP2018/0005]

(Commonwealth of Dominica)

Date:

Tuesday, 31st July 2018

On paper:

Applicant:

Mr. Mark Douglas

Issues:

Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the decision of the learned judge dated 18th April 2018.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**
- 3. The appeal shall thereafter proceed in accordance with CPR 2000 as amended**

Reason:

The applicant met the threshold for the grant of leave to appeal.

Case Name: Linus Jules Lewis
v
The Queen
[GDAHCRAP2018/0013]
(Grenada)

Date: Tuesday, 31st July 2018

On paper:
Applicant : In person

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal is granted.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.
3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.

Reason: The applicant met the threshold for the grant of leave to appeal.

Case Name: Garvin Britton
v
The Queen
[GDAHCRAP2016/0009]
(Grenada)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issues: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal is granted.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.
3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.

Reasons: The applicant met the threshold for the grant of leave to appeal.

Case Name: Native Hut Limited
v
Cllico investment Bank
[GDAHCVAP2018/0002]
(Grenada)

Date: Tuesday, 31st July 2018

On paper:

Applicant:	Mr. George Finton De Bourg
Respondent:	Ms. Shireen J. Wilkinson (Wilkinson, Wilkinson & Wilkinson)

Issue: Leave to appeal – Stay

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time of 28 days within which to comply with CPR 62.10.
2. The applicant shall provide the Court with a copy of the order of the learned judge dated 28th August 2008 within 28 days.
3. Hearing of the application for a stay of the order of Glasgow J dated 22nd January 2018 is

set down for the next chamber hearing
scheduled for 25th September 2018.

Case Name: Indra Williams
v
Casepak Company (Grenada) Ltd.
(Trading as Calabash Hotel)
[GDAHCVAP2018/0008]
(Grenada)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Mr. Ruggles Ferguson

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The applicant is granted leave to appeal the decision of
the learned judge delivered on 30th May 2018, within 21
days of the date of this Order.

Reason: The applicant has met the threshold for the grant of
leave to appeal.

Case Name: Hayden Phillip
v
The Queen
[GDAHCRAP2018/0014]
(Grenada)

Date: Tuesday, 31st July 2018

On paper:

Applicant: In person

Issue: Leave to appeal sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of this order.
2. The Registrar of the High Court is to serve a copy of the application filed by the applicant on 26th June 2018 and the minute of conviction and sentence on the Director of Public Prosecutions within 14 days of this order.
3. The Registrar of the High Court is to furnish proof of service of the application and the minute of conviction and sentence on the Director of Public Prosecutions within 14 days of this order.
4. The application for leave to appeal against sentence is adjourned to the next chamber hearing scheduled for 25th September 2018.

Reasons: The minute of conviction and sentence not attached to application.

Case Name: Paradis Ltd.
v
Jeremiah Salim
[GDAHCVAP2018/0009]
(Grenada)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Ms. Claudette Joseph

Issue: Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application is set down for hearing before the Full Court at the next sitting in Grenada during the week commencing 15th October 2018.

Reason:

With the Court having regard to Part 62.2(5) of the Civil Procedure Rules 2000 and is mindful to refuse the application.

Case Name:

Terrence R. Joseph
v
RBTT Bank (Grenada) Ltd
[GDAHCVAP2018/0004]
(Grenada)

Date:

Tuesday, 31st July 2018

On paper:

Applicant: Ms. Gennilyn E. Etienne

Respondent: Mr. Dylan J. Charles

Issue:

Leave to appeal – Extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to seek leave to appeal the order of Justice Raulston Glasgow dated 12th February 2017.
2. The applicant is granted leave to appeal the order of Justice Raulston Glasgow dated 12th February 2018.
3. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.
4. The appeal shall thereafter proceed in accordance with the CPR 2000.

Reason:

The applicant has met the threshold for the grant of an

extension of time for leave to appeal and for leave to appeal.

Case Name:

**Terrence R. Joseph
v
RBTT Bank (Grenada) Ltd.**

**[GDAHCVAP2017/0021]
(Grenada)**

Date:

Tuesday, 31st July 2018

On paper:

Applicant: Ms. Gennilyn E. Ettienne

Issues:

Extension of time – Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted an extension of time to appeal the order of Justice Raulston Glasgow dated 15th December 2017.**
- 2. The applicant is granted leave to appeal the order of Justice Raulston Glasgow dated 15th December 2017.**
- 3. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**
- 4. The appeal shall thereafter proceed in accordance with the CPR 2000.**

Reason:

The Court is of the view that the applicant has met the threshold for the grant of an extension of time and for leave to appeal.

Case Name:

**Andy John
v
The Commissioner of Police**

[GDAHCRA2016/0013]
(Grenada)

Date:	Tuesday, 31st July 2018	
On paper:	Applicant	In person
Issue:	Extension of time to appeal against conviction	

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall provide proof of service on the respondent of the notice of application filed on 20th June 2018 for an extension of time within which to appeal his conviction, together with skeleton arguments filed on 21st June 2018, within 14 days of the date of this order.**
- 2. Hearing of the application is adjourned to the next chamber hearing scheduled for 25th September 2018.**

Reason:

Case Name: Franklyn Perkins
v
The Queen

[MNIHCRAP2017/0005]
(Montserrat)

Date:	Tuesday, 31st July 2018
On paper:	
Applicant:	Mr. David S. Brandt (Brandt & Associates)
Respondent:	The Office of the Director of Public Prosecutions
Issue:	Grounds of appeal be amended

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application to amend the grounds of appeal is granted.
2. The applicant shall file within 21 days of the date of this order the amended notice of appeal with the additional ground of appeal being: “the learned trial judge erred in law when he ordered the appellant to pay \$10,000.00 in compensation to LD in three months or serve 6 months in default, separate for the suspended sentence, without first ascertaining the appellant’s means”

Case Name:

Priscilla Williams

v

Wendell Lee

[MNILTAP2015/0001]

(Montserrat)

Date:

Tuesday, 31st July 2018

On paper:

Applicant/Respondent: **Mr. Wendell Lee (In Person)**

Appellant: **Mr. Sylvester Carrot**

Issue:

Extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

The applicant shall provide proof of service on the respondent of the notice of application for an extension of time to file skeleton arguments and relief from sanctions within 14 days of the date of this order.

Reason: The Court noted that there has been non-compliance with the order of Michel JA dated 19th June 2018

Case Name: Karissa C. Browne
v
Enoete Larry Inanga
[SKBMCVAP2017/0007]
(Saint Christopher and Nevis)

Date: Tuesday, 31st July 2018

On paper:
Applicant/Respondent: Ms. Stacey Ann Aberdeen, Aberdeen Law

Appellant: S.A.M Legal Services

Issues: Variation of order

Result / Order: IT IS HEREBY ORDERED THAT:
The hearing of the application is set down before the Full Court at its next sitting in the Federation of St. Kitts and Nevis during the week commencing 18th September 2018.

Case Name: Orlie Illewellyn Powell
(Administrator of the Estate of Lloyd Powell)
v
1. Yvette Powell- Freeman
2. Winston Powell (by his Lawful Attorney Yvette Powell-Freeman)
3. Agnola Powell-Morton (by her Lawful Attorney Yvette Powell-Freeman)
4. Emerald Wilkinson (by her Lawful Attorney Yvette

PowerII-Freeman)

**[SKBHVCAP2017/0003]
(Saint Christopher and Nevis)**

Date: **Tuesday, 31st July 2018**

On paper:
Applicant: **Ms. Natasha S. Grey**

Issue: **Extension of time – Leave to appeal – Stay of proceedings**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant shall provide proof of service of the application and supporting documents on the respondents within 21 days of this order.
2. Hearing of the application is adjourned to the next chamber hearing scheduled for 25th September 2018.

Reason: **The Court noting that there is no evidence of service on the respondents of the notice of application and supporting documents.**

Case Name:
1. Peter Toussaint
2. Terentia Nigel Toussaint-Carroll
3. The Heirs of Thelma Toussaint
v
Peter Barnard

**[SLUHCVP2018/0024]
(Saint Lucia)**

Date: **Tuesday, 31st July 2018**

On paper:

Applicant: Ms. Terentia Nigel Toussaint-Carroll, In person

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing before a single judge on the 24th day of September 2018

Reason: With the Court having regard to Part 62.2(5) of the Civil Procedure Rules 2000 and is mindful to refuse the application.

Case Name: Lazarus Paul
v
1. Raquel Willie-Trotman
2. Douglas Trotman
3. Teferi Trotman
[SLUHCVAP2017/0049]
(Saint Lucia)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Mr. Gerard R. Williams

Issues: Extension of time to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for extension of time within which to file a notice of appeal is granted.
2. The applicant shall file and serve the notice of appeal within 28 days of this order.

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

Case Name: Minvielle & Chastanet Insurance Brokers Ltd.
v
1. Risk Consultants & Insurance Brokers Ltd.
2. Mulchan Caseram
3. Robertina Joinville
4. Crispin Louis
[SLUHCVAP2016/0014]
(Saint Lucia)

Date: Tuesday, 31st July 2018

On paper:
Applicant : Mr. Mark D. Maragh
Respondent: Ms. Ann-Alicia N. Fagan

Issue: Discontinuance – Striking out

Result / Order: IT IS HEREBY ORDERED THAT:
1. The notice of appeal having been discontinued is accordingly dismissed.
2. The appellant shall pay the respondent costs to be determined by the Master if not agreed within 21 days.

Reasons: The Court being of the opinion that notice of discontinuance having been filed the appeal should be dismissed.

Case Name: 1. Leona King
2. Christopher Elibox
3. Petrona Naitram
4. Petrona Narcisse
v
1. Reginald Elibox (represented by his Executor Rebecca Elibox)
2. Rebecca Elibox
[SLUHCVAP2016/0003]

(Saint Lucia)

Date: **Tuesday, 31st July 2018**

On paper:

Applicant: **Mr. Horace Fraser**

Respondent: **Ms. Sylma Finisterre**

Issues: **Party to be substituted**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The application for substitution of a party filed on 21st June 2018 is granted.
2. There is no order as to costs.

Reason: **The Court is satisfied that the applicant met the requirements for the substitution of a party.**

Case Name: **The Attorney General of Saint Lucia**
The Public Service Commission
v
Darrel Montrope
[SLUHCVP2018/0020]
(Saint Lucia)

Date: **Tuesday, 31st July 2018**

On paper:

Applicant: **Mr. Mark D. Maragh**

Respondent: **Mr. Kenny D Anthony**

Issue: **Leave to appeal – Setting aside order of Judge – Stay of proceedings**

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application to set aside the order of Michel JA dated

19th June 2018 is set down for hearing before the Full Court at its next sitting during the week commencing 12th November 2018.

Case Name: Alexis Alcide
v
Roman Catholic Church
[SLUHCVAP2018/0011]
(Saint Lucia)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time within which to appeal the decision of Smith J dated 5th February 2018 is granted.
2. The applicant shall file and serve its notice of appeal within 14 days from the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.

Reason: The Court was of the view that the applicant met the threshold for an extension of time within which to appeal.

Case Name: Inshan Humphrey
v
The Queen
[SVGHCRA2018/0014]

(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:

Applicant: In person

Issue: Leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against sentence of the learned judge imposed on the applicant on 29th May 2018 is granted.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Case Name:

**Saville Thomas
v
The Commissioner of Police**

**[SVGMCRAP2016/0042]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 31st July 2018

On paper:

Applicant: In person

Issue: Extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time within which to appeal is granted.
2. The applicant shall file and serve the notice of

appeal within 21 days of the date of this order.

- 3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.**

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

Case Name: Tevin Peters
v
The Queen

[SVGHCRAP2016/0006]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Bail

Result / Order: IT IS HEREBY ORDERED THAT:
The application for bail is refused.

Reason: The Court was not satisfied that the applicant met the threshold for the grant of bail pending the hearing of his appeal.

Case Name: Dorian Mapp
v
The Queen

[SVGHCRAP2018/0015]

(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issues: Extension of time to appeal

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

1. The application for an extension of time within which to appeal is granted.
2. The applicant shall file the notice of appeal within 14 days of the date of this order.
3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions within 14 days.

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

Case Name: Kwasi James
v
The Queen

[SVGHCRA2018/0016]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant In person

Issue: Extension of time to appeal

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

1. The application for an extension of time within

which to appeal is granted.

2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

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

Case Name: Kemron Spencer
v
The Queen
[SVGHCRA2018/0013]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal is granted.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.
3. On receipt of the notice of appeal, the Registrar of the High Court shall cause the notice of appeal to be served on the Director of Public Prosecutions.

Reason: The Court is satisfied that the applicant has met the threshold for the grant of leave to appeal.

Case Name: Bank Caribbean Limited
v
1. John Nicholson
2. Garnet Williams

[SVGHCVAP2016/0005]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:

Applicant: Mr. R. Akin S. John

Respondent: Mr. Richard O.F. Williams

Issue: Stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant/applicant shall file and serve skeleton arguments in support of the stay application on the respondents within 28 days and furnish proof of service to the Chief Registrar on or before 7th September 2018.
2. The hearing of the application for a stay of execution of the decision of Lanns J [Ag.] is adjourned to the next chamber hearing scheduled for 25th September 2018.

Case Name: Solana Gooding
v
Ashley Ollivierre

[SVGHCVAP2018/0005]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:

Applicant: Mrs. Zhing Horne Edwards

Issues: Extension of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve the application on the respondent within 14 days of the date of this order.
2. The applicant shall provide proof of service to the Chief Registrar of the application within 21 days of the date of this order.
3. The application for extension of time to file the notice of appeal against the decision of Byer J dated 8th May 2018 is adjourned to the next chamber hearing scheduled for 25th September 2018.

Reasons:

Court noted that the application did not contain any proof of service on the respondent.

Case Name:

1. Paul Gould (as Trustee of Mars Trust)
2. Ronald Albert Popely (as Real Settlor of the Mars Trust
v
1. Casterbridge properties Limited (acting by its Saint Vincent and the Grenadines appointed official Liquidator)
2. Cosmos Trust Limited

[SVGHCVAP2018/0003]
(Saint Vincent and the Grenadines)

Date:

Tuesday, 31st July 2018

On paper:

Applicant: Ms. Keisal M. Peters

Issues:

Extension of time to serve respondent's submissions in opposition and supplemental appeal record.

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to serve the respondents' submissions in support of opposition to the interlocutory appeal and supplemental appeal record filed on 31st May 2018 is granted.
2. The respondents' submissions in support of opposition to the interlocutory appeal and supplemental appeal record filed on 21st May 2018 and served on the Appellants on 4th June 2018 is deemed properly served.

Reason:

The Court is satisfied that the respondents have met the requirements for a grant of an extension of time.

Case Name:

Terrance Joseph
v
The Queen

**[SVGHCRA2018/0005]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 31st July 2018

On paper:
Applicant : In person

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file grounds of appeal by way of letter within 28 days of this order.
2. The Registrar of the High Court shall serve a copy of the grounds of appeal by way of letter on the Director of Public Prosecutions and furnish proof of service to this Court.
3. The application for leave to appeal is adjourned for consideration at the next chamber sitting of this Court scheduled for 25th September 2018.

Reason: Application for leave to appeal does not indicate the grounds of appeal.

Case Name: Simon Hoyte
v
The Queen

**[SVGHCRA2016/0008]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issues: **Bail**

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application for bail pending appeal is denied.

Reason: **The Court is not satisfied that the applicant met the threshold for the grant of bail pending appeal.**

Case Name: **Benjamin Harvey**
v
The Queen
[SVGHCRAP2018/0011]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 31st July 2018**

On paper:
Applicant: **In person**

Issue: **Leave to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted leave to appeal.
2. The application for leave to appeal is deemed to be the notice of appeal.

Case Name: **Roger Clarke**
v
The Queen
[SVGHCRAP2018/0012]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal against his conviction and sentence.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.

Reason: The applicant has met the threshold for the grant of leave to appeal.

Case Name: Carlos Penniston
v
The Queen
[SVGMCRAP2018/0016]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Extension of time

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted an extension of time within which to appeal.
2. The applicant shall file the notice of appeal within 21 days of the date of this order.

Reasons: Applicant met the threshold for an extension of time within which to appeal.

Case Name: Lendon Abraham
v
The Queen
[SVGHCRA2018/0030]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st July 2018

On paper:
Applicant: In person

Issue: Extension of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence and the notice of application for extension of time within which to appeal on the Director of Public Prosecutions within 14 days of the date of this order.
2. The Registrar of the High Court shall furnish this Court with proof of service of the minute of conviction and sentence and the notice of application for extension of time within which to appeal on the Director of Public Prosecutions within 14 days of the date of this order.
3. The application is adjourned for further consideration at the next chamber hearing scheduled for 25th September 2018.

Case Name: Kim Russell-Romney

v
John Chinnery
[BVIHCVAP2017/0001]
(Territory of the Virgin Islands)

Date: **Tuesday, 31st July 2018**

On paper:
Applicant: **Ms. Ruthilia Maximea**

Issue: **Extension of time**

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

- 1. The applicant is to furnish this Court with proof of service of the notice of application for extension of time and supporting documents within 21 days of the date of this order.**
- 2. The application is adjourned for further consideration at the next chamber hearing scheduled for 25th September 2018.**

Reason: **There being no proof of service.**

Case Name: **Chagala Group Limited**
v
Tipp Investments PCC
[BVIHCMAP2018/0017]
(Territory of the Virgin Islands)

Date: **Tuesday, 31st July 2018**

On paper:
Applicant: **Ms. Lauren Peaty**
Respondent: **Mr. Richard Baird**

Issues: Amendment of Grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for permission to amend the notice of appeal filed on 12th June 2018 is granted.

Reason: The applicant has met the threshold for a grant of permission to amend the notice of appeal.

Case Name: Selvin Chinnery
v
The Commissioner of Police
[BVIMCRAP2018/0002]
(Territory of the Virgin Islands)

Date: Tuesday, 31st July 2018

On paper: Applicant: Mr. Patrick Thompson

Issue: Leave to appeal – Extension of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of this order.
2. The applicant shall serve a copy of the notice of application for leave to file a notice of appeal out of time and for the notice of appeal filed on 6th June 2018 to be deemed to be properly filed on the Director of Public Prosecutions within 14 days of the date of this order.
3. The applicant shall furnish this Court with proof of service of the notice of application for leave to file a notice of appeal out of time and for the notice of appeal filed on 6th June 2018 to be deemed to be

properly filed on the Director of Public Prosecutions within 14 days of the date of this order.

4. The application is adjourned for further consideration at the next chamber hearing scheduled for 25th September 2018.

Reason: No proof of service on the office of the Director of Public Prosecutions.

Case Name: Daphne Frett
v
1. Reeso Maduro
2. Registrar of lands

[BVIHCVAP2018/0004]
(Territory of the Virgin Islands)

Date: Tuesday, 31st July 2018

On paper:
Applicant: Ms. Lavonna Burrows

Issue: Leave to appeal – Stay of execution – Injunction

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal against the order of the Honourable Justice Ann-Marie Smith dated 1st June 2018.
2. The order of the Honourable Justice Ann-Marie Smith dated 1st June 2018 is hereby stayed pending the determination of the appeal.
3. The application for an injunction restraining the first respondent from disposing of or parting with possession of the property which is the subject matter of the amended fixed date claim No. BVIHCV2016/0195 filed by the applicant on 14th December 2016 pending the determination of the appeal is granted.
4. The applicant is to file the notice of appeal within 21 days of the date of this order.
5. The appeal will thereafter proceed in

accordance with CPR 2000.

Reason: The Court is satisfied that the applicant has met the threshold for the grant of leave to appeal, for stay of execution and for the grant of an injunction.

Case Name: Gany Holdings (PTC) SA
v
Zorin Sachak Khan
Afaque Ahmed Khan
Sasheen Anwar

Asif Rangoonwala

[BVIHCMAP2018/0045]
(Territory of the Virgin Islands)

Date: Monday, 20th August 2018

On paper:
Applicant: Mr. Adrian Francis
Respondent: Mr. Nicholas Brookes

Issue: Extension of time

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time is granted. The notice of appeal filed on 6th July, 2018 is deemed properly filed.
2. The respondent shall file written submissions on or before 30th August 2018.
3. The applicant shall pay the respondents' costs of this application, such costs to be assessed if not agreed within 21 days.

Reason: The Court is of the opinion that the applicant has met the requirements for the grant of an extension of time.

